

Tampering - Any act or attempt to disable or circumvent the legal operation of an IID.

Violation reset - The condition caused by the failure of the operator of a vehicle to perform a test or retest as required, or by the operator's inability to achieve such test or retest results at the lower of the maximum allowable alcohol concentration as set by the originating court or .025 BAC, the device and the vehicle in which it is installed must be returned to the manufacturer or authorized service provider to be reset.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-030, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-030, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-030, filed 12/9/87.]

WAC 204-50-040 Testing certification, revocation or surrender of certification and recertification. Testing and certification. To be certified, a device must meet or exceed the minimum test standards in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 - 11787, or as rules are adopted. Only a notarized statement, from a laboratory capable of performing the tests specified, will be accepted as proof of meeting or exceeding the standards. The notarized statement shall include the name and signature of the person in charge of the tests under the following sentence:

Two samples of (model name), manufactured by (manufacturer) were tested by (laboratory). They do meet or exceed all specifications listed in the Federal Register, Volume 57, Number 67, pages 11774 - 11787.

Signed

Upon receipt of a statement from a testing laboratory that two samples of a device have successfully passed the test procedures listed in this chapter, and confirmation that all other requirements of this chapter have been met, the chief may issue a letter of certification for the device.

Revocation or surrender of certification.

The letter of certification shall be valid until voluntarily surrendered by the manufacturer or until revoked by the chief for cause. Reasons for revocation include but are not limited to:

- (1) Evidence of repeated device failures due to gross defects in design, materials, and/or workmanship during manufacture, installation, monitoring, or calibration of the device such that the standards for accuracy and reliability of the devices for which the devices were tested are not being met (as determined by ESR);
- (2) Evidence that the features and functionality of a manufacturer's devices are not being programmed properly by ASP(s) or are being circumvented by lessees such that the standards for anticircumvention for which the devices were tested are not being met;
- (3) Any violation on the part of the manufacturer(s) or ASP(s) of any of the laws or regulations related to the installation, servicing, monitoring, and calibration of devices, including, but not limited to, "other provisions" listed in WAC 204-50-120;

(4) Notice of cancellation of manufacturer's and/or ASP's required liability insurance is received;

(5) Notification that the manufacturer is no longer in business.

(6) Notification that material modification or alteration in the components and/or the design of the certified device is not provided or the recertification process is not completed as outlined in WAC 204-50-050.

(7) Unless necessary for the immediate good and welfare of the public, revocation shall be effective thirty days from the date of the letter sent to the manufacturer via certified mail, return receipt requested. A copy of each notice of revocation shall be provided to the director of the DOL and to the OAC for the state of Washington. The manufacturer's device(s) will be removed from the list of certified devices on the WSP web site.

(8) Upon voluntary surrender, or revocation of a letter of certification for a manufacturer's device, all like devices shall be removed and replaced by a certified device, within sixty-five days of the effective date of such surrender or revocation. The ASP must notify all affected lessees of decertification and the requirements for a new device to be installed by an existing ASP.

(9) The ESR shall maintain a file of all current, revoked, and voluntarily surrendered letters of certification for the period of time as outlined in the WSP records retention schedule.

Review for recertification.

A manufacturer whose letter of certification has been revoked may request a review of revocation by submitting the request in writing to the chief within thirty days from the date on the revocation letter. The request must be made in writing and mailed to WSP ESR Unit, P.O. Box 42614, Olympia, WA 98504-2614.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-040, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-040, filed 12/23/98, effective 1/1/99. Statutory Authority: RCW 46.20.730, 88-15-050 (Order 88-04-ESR), § 204-50-040, filed 7/18/88. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-040, filed 12/9/87.]

WAC 204-50-050 Modifications to a certified device.

The manufacturer shall notify ESR, in writing, of any material modification or alteration in the components and/or the design of the certified device. Within ninety days of notifying the ESR of the material modification or alteration to a certified device, the manufacturer must resubmit to ESR the evidence of compliance as required in WAC 204-50-040.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-050, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-050, filed 12/23/98, effective 1/1/99. Statutory Authority: RCW 46.20.730, 88-15-050 (Order 88-04-ESR), § 204-50-050, filed 7/18/88. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-050, filed 12/9/87.]

WAC 204-50-070 Variable calibration. To be certified, a device must be capable of being preset, by the manufacturer or by an ASP, at any fail level from .02 through .09% BAC (plus or minus .005% BAC). The actual setting of each device, unless otherwise mandated by the originating court, shall be .025 BAC. The capability to change this setting shall be made secure, by the manufacturer, or by an ASP.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-070, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-070, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-070, filed 12/9/87.]

WAC 204-50-080 Device maintenance and reports.

(1) Each lessee shall have the device examined by the manufacturer or by an ASP for correct calibration and evidence of tampering at intervals not to exceed sixty-five days, or more often as may be ordered by the originating court.

(2) The device must be calibrated for accuracy according to the manufacturer's procedures. All data contained in the device's memory must be downloaded and the manufacturer and/or the ASP shall make a hard copy or electronic equivalent of the client data and the results of each examination. Any evidence of noncompliance, violations, or signs of tampering or circumvention shall be reported as requested by and in a format acceptable to the originating court and/or DOL. All information obtained as a result of each inspection shall be retained by the manufacturer or approved service provider for two years from the date the device is removed from the vehicle.

(3) Any ASP proposing to offer a mail-in calibration and examination program to their lessees must obtain approval from ESR prior to implementing the mail-in program. To obtain approval the ASP must submit procedures outlining how the mail-in program will work. ASP must also provide the customer with written instructions on how to utilize the mail-in program. A mail-in program does not eliminate or take the place of any requirements outlined in WAC 204-50-120.

(4) The manufacturer and/or ASP must provide upon request, additional reports in a format acceptable to and at no cost to DOL and/or the originating court.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-080, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-080, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-080, filed 12/9/87.]

WAC 204-50-090 Device security. The manufacturer and its approved service provider(s) shall take all reasonable steps necessary to prevent tampering or physical circumvention of the device. These steps shall include:

(1) Special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts.

(2) In addition, the approved service provider will affix to the device a label containing the following notation: "Warning - This device has been installed under the laws of the state of Washington. Attempts to disconnect, tamper with, or circumvent this device may subject you to criminal prosecution. For more information, call (insert manufacturer's or approved service provider's toll free number)."

(3) No owner or employee of a manufacturer or ASP may authorize or assist with the disconnection of a device, or enable the use of any "emergency bypass" mechanism or any other "bypass" procedure that allows a person restricted to use the vehicle equipped with a functioning ignition interlock, to start or operate a vehicle without providing all required breath samples. Doing so may subject the person to

criminal prosecution under RCW 46.20.750 and may cause the revocation of a manufacturer's certification under WAC 204-50-040.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-090, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-090, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-090, filed 12/9/87.]

WAC 204-50-110 Mandatory operational features.

Notwithstanding other provisions of this chapter, a certified device must comply with the following:

(1) The device shall be designed to permit a "restart" within two minutes of a stall or when the ignition has been turned off.

(2) The device shall automatically and completely purge residual alcohol before allowing subsequent tests.

(3) The device shall be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(4) Each device shall be provided with an ample supply of disposable mouth pieces designed to minimize the introduction of saliva into the device.

(5) Each device shall be uniquely serial numbered. Along with any other information required by DOL or by an originating court, all reports to DOL or to an originating court concerning a particular device shall include the name, address, and driver's license number of the lessee, and the unique number of the device. The name, address, telephone number (toll free), and contact person of the manufacturer or approved service provider furnishing such report shall also be included as part of the report.

(6) Each device shall record each time the vehicle is started, the results of the test, how long the vehicle was operated, and any indication of bypassing or tampering with the device.

(7) Each device shall require the operator of the vehicle to submit to a retest within ten minutes of starting the vehicle. Retesting shall continue at intervals not to exceed sixty minutes after the first retest. The device shall be equipped with a method of immediately notifying peace officers if the required retest(s) above is not performed, or if the result of the retest exceeds the lower of .025 BAC or the alcohol concentration as prescribed by the originating court. Examples of acceptable forms of notification are repeated honking of the vehicle's horn, repeated flashing of the vehicle's headlights, or the wailing of a small siren. Such notification may be disabled only by switching the engine off, or by the achievement of a retest at a level the lower of .025 BAC or the maximum allowable alcohol concentration as set by the originating court.

(8) In addition, if a retest is not performed when called for by the device, or if the operator is unable to achieve a retest at a level the lower of .025 BAC or the maximum allowable alcohol concentration as set by the originating court, the device shall automatically enter a violation reset condition. A device which enters a violation reset condition and the vehicle in which it is installed, must be returned to the manufacturer or ASP to be serviced within five days or the device shall render the vehicle inoperable. The manufacturer or approved service provider shall notify the originating court

(if any) of such violation reset conditions in a format acceptable to the originating court within five days of servicing the device. The manufacturer or ASP shall provide notification to DOL in a format acceptable should DOL promulgate rules requiring such notification.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-110, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-110, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-110, filed 12/9/87.]

WAC 204-50-120 Other provisions. Notwithstanding other provisions of this chapter, each manufacturer of a certified device, either on its own or through its approved service provider(s):

(1) Shall guarantee repair or replacement of a defective device within the state of Washington within a maximum of forty-eight hours of receipt of a complaint.

(2) Shall demonstrate to the satisfaction of ESR, a service delivery plan under which any restricted operator may obtain installation and routine service of that manufacturer's device within a seventy-five mile radius of his or her place of residence. Further, shall provide ESR, a map of the state of Washington showing the area covered by each approved service provider, and the name, address, and telephone number of each approved service provider. The manufacturer shall provide ESR a revised map showing any changes to its authorized service provider network within ten days of such change. Also within thirty days of any additions to the approved service provider network, provide evidence to ESR that any added ASPs have the insurance coverage as required by subsection (7) of this section.

(3) Shall maintain a twenty-four hour, three hundred sixty-five days a year toll-free telephone number for lessees to call if they have problems with the device they have leased from the manufacturer or approved service provider. Calls must either be answered by a technician qualified to service the manufacturer's devices, or the call must be returned by a qualified technician within thirty minutes of the original call.

(4) Shall provide the lessee a statement of charges clearly specifying warranty details, monthly lease amount, any additional charges anticipated for routine calibration and service checks and what items, if any, are provided without charge. To ensure equal accessibility of the benefits of this technology to all citizens of the state of Washington, such pricing shall be uniform statewide.

(5) Shall provide the lessee written notice of any changes in the statement of charges regardless of what person or agency requested the change, prior to the implementation of such changes.

(6) Shall provide to ESR proof that the manufacturer has products liability insurance coverage with minimum liability limits of one million dollars per occurrence, and three million dollar aggregate. Liability covered shall include, but not limited to: Defects in product design, materials, and workmanship during manufacture, calibration, installation, removal, and all completed operations. Such insurance must be provided by a company authorized to offer such coverage in the state, and such company shall include the state of Washington as an additional insured, and shall agree to notify ESR not less than thirty days before the expiration or termination of

such coverage. Insurance coverage required in this subsection must be in addition to, and not considered a replacement for coverage required in subsection (7) of this section.

(7) Shall provide ESR proof that each and every ASP has garage keepers liability insurance coverage with minimum liability limits of fifty thousand dollars. Liability covered shall include, but not be limited to, damage to lessee's vehicle and personal property while in the care and/or custody of the ASP. Further shall provide ESR proof that each and every ASP has completed operations insurance coverage with minimum liability limits of one million dollars per occurrence, and two million dollars aggregate. Liability covered shall include, but not be limited to, defects in materials and workmanship during installation, removal, service, calibration, and monitoring. All such insurance must be provided by a company authorized to offer such coverage in the state, and such company shall include the state of Washington as an additional insured, and shall agree to notify ESR not less than thirty days before expiration or termination of such coverage. Insurance coverage required in this subsection must be in addition to and not considered a replacement for coverage required in subsection (6) of this section.

(8) Shall, if so requested by the originating court, notify the originating court, if any, of the removal of a device under any circumstances other than:

(a) Immediate device repair needs.

(b) Removal of the device in order to switch it to a replacement vehicle to be operated by the restricted operator. Report of such a vehicle switch must be transmitted to the originating court within two business days of such a switch, if so requested by the originating court at the time of initial installation of the device. Report of such a vehicle switch must be transmitted to the DOL within two business days of such a switch, if so requested by the DOL. **NOTE:** Whenever a device is removed for repair, and cannot be immediately reinstalled, a substitute device shall be utilized. Under no circumstances shall a manufacturer or ASP knowingly permit a restricted operator to drive a vehicle not equipped with a functioning device.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-120, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-120, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-120, filed 12/9/87.]

WAC 204-50-130 Removal procedures. The manufacturer or its approved service provider shall remove the device and return the vehicle in normal operating condition. The manufacturer or its ASP shall provide any final report requested by the originating court and/or requested by DOL.

[Statutory Authority: RCW 46.61.688(2), 05-17-065, § 204-50-130, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005, 99-01-156, § 204-50-130, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247, 88-01-020 (Order 87-05-ESR), § 204-50-130, filed 12/9/87.]

Chapter 204-90 WAC

MINIMUM REQUIREMENTS FOR CONSTRUCTION AND EQUIPMENT OF SPECIAL MOTOR VEHICLES

WAC

204-90-120

Suspension.

WAC 204-90-120 Suspension. The ground clearance for a special motor vehicle shall be such that the vehicle shall be able to be in motion on its four rims on a flat surface with no other parts of the vehicle touching that surface. Maximum ground clearance for a special motor vehicle shall be determined using the table contained in WAC 204-90-040(6) Bumpers.

The spring mounts and shackles shall be properly aligned and of sufficient strength so as to support the gross weight of the vehicle and provide free travel in an up and down movement under all conditions of operation. Rear coil spring suspension systems shall incorporate anti-sway devices to control lateral movement.

A special motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a damping device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus and minus 2 inches. When any corner of the vehicle is depressed and released, the damping device shall stop vertical body motion within two cycles.

There shall be no heating or welding of coil springs, leaf springs, or torsion bars.

No special motor vehicle shall be constructed or loaded so that the weight on the wheels of any axle is less than 30% of the gross weight of the vehicle.

Except when lawfully participating in a parade permitted by local jurisdiction, activation of an aftermarket hydraulic or mechanical system that raises or lowers the height of a motor vehicle is prohibited while the motor vehicle is in motion on a public roadway with a posted speed limit greater than twenty-five miles per hour and while the vehicle is traveling in excess of fifteen miles per hour. At no time may any portion of any tire of such motor vehicle leave the surface of the roadway or may any portion of the vehicle or component of the hydraulic system used to raise or lower the vehicle cause or emit sparks. A motor vehicle equipped with an aftermarket hydraulic or mechanical system must meet all suspension requirements as outlined in this section. Nothing in this section shall prohibit a county or city from enacting stricter regulations for aftermarket vehicle hydraulics on a public roadway.

A special motor vehicle shall be capable of stable, controlled operation while traversing a slalom-type path passing alternately to the left and right of at least four cones or markers arranged in a straight line and spaced 60 feet apart at a minimum speed of 25 MPH. Body lifts are permitted provided that they are manufactured by an after market manufacturer, designed for the make and model vehicle on which they are installed, and installed according to the manufacturer's recommendations. Body lifts may not use more than a three inch spacer and may not raise the body more than four inches above the frame when all components are installed.

[Statutory Authority: RCW 46.37.005 and 46.37.320. 05-20-091, § 204-90-120, filed 10/5/05, effective 11/5/05; 98-04-052, § 204-90-120, filed 1/30/98, effective 3/2/98. Statutory Authority: RCW 46.37.005. 83-11-028 (Order 83-05-01), § 204-90-120, filed 5/13/83.]

Title 208 WAC

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Chapters

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208-680A

**Check cashers and sellers—Regulation of.
Escrow—Organization and administra-
tion.**

208-680E
208-680F
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**Escrow—Trust account procedures.
Escrow—Financial responsibility.
Examinations, investigations, enforce-
ment, sanctions, and costs.**

Chapter 208-630 WAC

CHECK CASHERS AND SELLERS—REGULATION OF

(Formerly chapter 50-30 WAC)

WAC

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208-630-450	When may the director waive fees?	208-630-880	What must a check seller report when surrendering or revoking a license?
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208-630-530	If a borrower and licensee enter into a statutory payment plan, how must the payments be structured?		
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208-630-580	In addition to providing disclosures to the borrower, does a licensee have to post any disclosures?		
208-630-590	How must a licensee format disclosures?	208-630-005	Definitions. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-005, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
208-630-600	What documentation must a licensee keep to show that the licensee has made the proper disclosures?		
208-630-610	Are there accounting and financial records that a licensee must keep?	208-630-010	Application deposit fee. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-010, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-010, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
208-630-620	In what form must a licensee maintain accounting and financial records?		
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208-630-660	What must a licensee have in employees' personnel files?		
208-630-670	For licensees with small loan endorsements what information must the licensee keep in every loan file?	208-630-020	Schedule of fees paid by licensees and applicants. [Statutory Authority: RCW 42.320.040 and 31.45.200. 97-09-035, § 208-630-020, filed 4/11/97, effective 5/12/97. Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-020, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-020, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
208-630-680	Are there specific banking requirements for check sellers?		
208-630-690	When must a check casher deposit a monetary instrument?		
208-630-700	When may a licensee deposit a monetary instrument accepted in the course of making a small loan?	208-630-021	Application review and investigation fee. [Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.200. 01-12-029, § 208-630-021, filed 5/29/01, effective 7/1/01. Statutory Authority: RCW 42.320.040 and 31.45.200. 97-09-035, § 208-630-021, filed 4/11/97, effective 5/12/97.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
208-630-710	What other federal and state laws and regulations must a licensee comply with?		
208-630-720	Is a licensee required to register with the Secretary of the Treasury?		
208-630-730	What records and actions does a licensee need to take to assure the licensee is correctly reporting under the Bank Secrecy Act?	208-630-022	Annual assessment charge. [Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.200. 01-12-029, § 208-630-022, filed 5/29/01, effective 7/1/01. Statutory Authority: RCW 42.320.040 and 31.45.200. 97-09-035, § 208-630-022, filed 4/11/97, effective 5/12/97.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
208-630-740	What obligation does a licensee have to assure that employees comply with the laws and rules regarding payday lending and check cashing and selling?		
208-630-750	What fees may licensees charge to collect a delinquent small loan?	208-630-023	Examination fees. [Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.200. 01-12-029, § 208-630-023, filed 5/29/01, effective 7/1/01. Statutory Authority: RCW
208-630-760	What are the legal restrictions on making small loans?		
208-630-770	May a licensee allow a borrower to refinance or "roll-over" a small loan with another small loan?		
208-630-780	May a licensee use a name or place of business other than that named on the license or small loan endorsement?		
208-630-790	What is the limit on the amount of checks a licensee may hold from one borrower?		
208-630-800	May a licensee holding a borrower's check for a period longer than the statutory limit of forty-five days charge additional fees?		
208-630-810	May a licensee charge additional fees to cash monetary instruments issued as part of a small loan?		
208-630-820	May a licensee charge any fees if a borrower decides to convert their loan to a payment plan?		
208-630-830	What are a licensee's annual financial and reporting requirements?		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 42.320.040 and 31.45.200. 97-09-035, § 208-630-023, filed 4/11/97, effective 5/12/97.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-02303 Fee increase. [Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.-200. 01-12-029, § 208-630-02303, filed 5/29/01, effective 7/1/01.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.-200.
- 208-630-02305 Waiver of fees. [Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.-200. 01-12-029, § 208-630-02305, filed 5/29/01, effective 7/1/01.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.-200.
- 208-630-025 Application for small loan endorsement to a check casher or check seller license. [Statutory Authority: RCW 43.320.040, 31.45.090 and 31.45.200. 99-22-048, § 208-630-025, filed 10/29/99, effective 11/29/99. Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-025, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-030 Surety bond. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-030, filed 1/12/96, effective 2/12/96. Statutory Authority: RCW 31.45.200. 93-16-032, § 50-30-030, filed 7/27/93, effective 8/27/93; 92-24-028, § 50-30-030, filed 11/24/92, effective 12/25/92. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-030, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.-200.
- 208-630-035 Alternatives to the surety bond. [Statutory Authority: RCW 43.320.040, 31.45.090 and 31.45.200. 99-22-048, § 208-630-035, filed 10/29/99, effective 11/29/99. Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-035, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.-200.
- 208-630-040 Access to criminal history information. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-040, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-040, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-050 Issuance of license or small loan endorsement. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-050, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-050, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-060 Disclosure of significant developments. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-060, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-060, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-065 The note. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-065, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-068 Contents of disclosure statement to borrower. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-068, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-070 Accounting and financial records. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-070, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-070, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-075 Monetary instruments—Deposit requirements. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-075, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-080 Licensees are required to comply with federal and state laws including but not limited to the following. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-080, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-080, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-085 Licensee with small loan endorsement—Powers—Restrictions. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-085, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-090 Audit report by licensee—Financial statements. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-090, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-090, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-095 Knowledge of the law and regulations. [Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, codified as § 208-630-095, filed 1/12/96, effective 2/12/96.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.
- 208-630-100 Trust accounts—Limitations and prohibitions. [Statutory Authority: RCW 43.320.040, 31.45.090 and 31.45.200. 99-22-048, § 208-630-100, filed 10/29/99, effective 11/29/99. Statutory Authority: RCW 43.320.040 and 31.45.200. 96-03-059, recodified as § 208-630-100, filed 1/12/96, effective 2/12/96. Statutory Authority: 1991 c 355 § 24. 92-02-105, § 50-30-100, filed 1/2/92, effective 2/2/92.] Repealed by 05-22-009, filed 10/21/05, effective 11/21/05. Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200.

WAC 208-630-110 What definitions are required to understand these rules? The definitions in RCW 31.45.010 and this section apply throughout this chapter unless the context clearly requires otherwise.

"Act" means chapter 31.45 RCW.

"Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is in common control with another person.

"Agent" for purposes of RCW 31.45.079 means a person who, pursuant to the terms of a written agreement and for compensation, performs small loan agent services on behalf of an exempt entity.

"Board director" means a director of a corporation or a person occupying a similar status and performing a similar function with respect to an organization, whether incorporated or unincorporated.

"Close of business" for the purposes of RCW 31.45.86 and these regulations means the actual time a licensee closes for business at the location from which a small loan was originated or 11:59 p.m. Pacific Time, whichever is earlier.

"Department" means the department of financial institutions.

"Exempt entity" means a person described in RCW 31.45.020 that is engaged in the business of making small loans.

"Investigation" means an examination undertaken for the purpose of detecting violations of chapter 31.45 RCW or these rules or obtaining information lawfully required under chapter 31.45 RCW or these rules.

"License" means a license issued by the director to engage in the business of check cashing or check selling under the provision of chapter 31.45 RCW.

"Monetary instrument" means a check, draft, money order or other commercial paper serving the same purpose.

"Payday advance lender" or "payday lender" means a licensee under this chapter who has obtained a small loan endorsement under RCW 31.45.073.

"Payday advance loan," "payday loan" or "deferred deposit loan" means the same as a small loan.

"Postdated check" means a check delivered prior to its date, generally payable at sight or on presentation on or after the day of its date. "Postdated check" does not include any promise or order made or submitted electronically by a borrower to a licensee.

"RCW" means the *Revised Code of Washington*.

"Small loan agent services" means all or substantially all of the following services:

- (1) Marketing and advertising small loans;
- (2) Taking small loan applications;
- (3) Assisting customers in completing small loan documentation;
- (4) Providing required disclosures;
- (5) Disbursing small loan proceeds;
- (6) Collecting small loans;
- (7) Retaining documents and records; and
- (8) Making reports.

"State" means the state of Washington.

"Unsafe or unsound financial practice" means any action, or lack of action, the likely consequences of which, if continued, would impair materially the net worth of a licensee or create an abnormal risk of loss to its customers.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-110, filed 10/21/05, effective 11/21/05.]

WAC 208-630-120 What does a business have to do to operate as a check casher and seller, or to make small loans as a payday lender? In order to engage in the business of check cashing and selling, a business must apply and obtain from the department a check cashing or selling license. A check casher or seller must first obtain a small loan endorsement to its license to make small loans in accordance with chapter 31.45 RCW and this chapter.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-120, filed 10/21/05, effective 11/21/05.]

WAC 208-630-130 How does a business apply for a check casher's or seller's license or a small loan endorsement to a check casher's or seller's license? Each applicant for a check casher license, or check seller license, or a small loan endorsement to a check casher's or seller's license must apply to the director by filing the following:

(1) An application in a form prescribed by the director including at least the following information:

(a) The legal name, residence, and business address of the applicant if the applicant is an individual or sole proprietorship, and in addition, if the applicant is a partnership, corporation, limited liability company, limited liability partnership, trust, company, or association, the name and address of every member, partner, officer, controlling person, and board director;

(b) The trade name or name under which the applicant will do business under the act;

(c) The street and mailing address of each location in which the applicant will engage in business under the act;

(d) The location at which the applicant's records will be kept; and

(e) Financial statements and any other pertinent information the director may require with respect to the applicant and its board directors, officers, trustees, members, or employees, including information regarding any civil litigation filed within the preceding ten years against the applicant or controlling person of the applicant;

(2) A surety bond and related power of attorney, or other security acceptable to the director in an amount equal to the penal sum of the required bond as set forth in this rule. In lieu of the bond, the applicant may demonstrate to the director net worth in excess of three times the amount of the penal sum of the required bond in accordance with RCW 31.45.030 (5)(b) and (e) and this rule;

(3) A current financial statement as of the most recent quarter end prepared in accordance with generally accepted accounting principles which includes a statement of assets and liabilities and a profit and loss statement;

(4) Information on the applicant's or any affiliate's current or previous small loan or related type business in this state or any other state, including, but not limited to, name, address, city, state, licensing authority, and whether any enforcement action is pending or has been taken against the applicant in any state;

(5) Upon request, a complete set of fingerprints and a recent photograph of each sole proprietor, owner, director, officer, partner, member, and controlling person; and

(6) An application fee.

Any information in the application regarding a personal residential address or telephone number, and any trade secret as defined in RCW 19.108.010 including any financial statement that is a trade secret is exempt from the public disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-130, filed 10/21/05, effective 11/21/05.]

WAC 208-630-140 Once a business finishes the application process, when does the director issue a license? If the director determines that all licensing criteria of chapter 31.45 RCW have been met and the appropriate fees paid, the director shall issue a nontransferable license for the applicant to engage in the business of cashing and/or selling checks or a small loan endorsement to a licensee.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-140, filed 10/21/05, effective 11/21/05.]

WAC 208-630-150 When does the license expire? The license and small loan endorsement will remain continuously in effect until surrendered, suspended, or revoked.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-150, filed 10/21/05, effective 11/21/05.]

WAC 208-630-160 Does each location where a licensee makes small loans have to have a small loan endorsement? The law requires a small loan endorsement for each location where a licensee makes small loans. These locations include, in addition to traditional staffed locations, unstaffed locations at which electronic or telephonic terminals such as facsimile machines, telephones, computer terminals or similar devices are available to the public to provide access to small loans, whether or not the locations are located within the premises of an exempt entity.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-160, filed 10/21/05, effective 11/21/05.]

WAC 208-630-170 Where may a licensee make small loans? A small loan endorsement may authorize a licensee to make small loans at a location other than the licensed location where it cashes and sells checks.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-170, filed 10/21/05, effective 11/21/05.]

WAC 208-630-180 Is there a bond requirement for licensees? A licensee engaged in any business under chapter 31.45 RCW must obtain a bond. The bond must run to the benefit of the state and any person or persons who suffer loss. The licensee must file the bond with the director at the beginning of each calendar year. The bond must be issued by a surety which meets the requirements of chapter 48.28 RCW. The bond form must be acceptable to the director. The licensee may obtain a copy of an acceptable form from the department.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-180, filed 10/21/05, effective 11/21/05.]

WAC 208-630-190 What type of bond is necessary and what are the conditions? The bond shall be continuous and conditioned upon the licensee faithfully abiding by chapter 31.45 RCW and all rules in this chapter. It shall also be conditioned upon the licensee paying all persons who purchase monetary instruments from the licensee the face value of any monetary instrument dishonored by the drawee financial institution due to insufficient funds or by reason of the account having been closed. The surety shall only be liable for the face value of the dishonored monetary instrument, and shall not be liable for any interest or consequential damages. For a licensee with a small loan endorsement, the bond shall run to the benefit of the state and any person or persons who suffer loss due to the licensee's violation of chapter 31.45 RCW or this chapter.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-190, filed 10/21/05, effective 11/21/05.]

WAC 208-630-200 How is a bond canceled? The bond may be canceled by the surety by giving written notice to the director and licensee of its intent to cancel the bond. The can-

cellation is effective thirty days after the notice is received by the director.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-200, filed 10/21/05, effective 11/21/05.]

WAC 208-630-210 What is the liability of the surety under the bond? Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The surety shall not be liable for any liability of the licensee for tortious acts, whether or not such liability is imposed by statute or common law, or is imposed by contract. The bond shall not be a substitute or supplement to any liability or other insurance required by law or by contract. If the surety desires to make payment without awaiting court action against it, the penal sum of the bond shall be reduced to the extent of any payment made by the surety in good faith under the bond.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-210, filed 10/21/05, effective 11/21/05.]

WAC 208-630-220 Who may make claims against the bond? Any person who is a purchaser of a monetary instrument from the licensee having a claim against the licensee for the dishonor of any monetary instrument by the drawee financial institution due to insufficient funds or by reason of the account having been closed, or any person who obtained a small loan from the licensee and was damaged by the licensee's violation of chapter 31.45 RCW or this chapter, may bring suit upon such bond or deposit in the superior court of the county in which the monetary instrument was purchased, or in the superior court of a county in which the licensee maintains a place of business. Jurisdiction shall be exclusively in the superior court. Any action must be brought not later than one year after the dishonor of the monetary instrument on which the claim is based. If the claims against a bond or deposit exceed the amount of the bond or deposit, each claimant shall only be entitled to a pro rata amount, based on the amount of the claim as it is valid against the bond, or deposit, without regard to the date of filing of any claim or action.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-220, filed 10/21/05, effective 11/21/05.]

WAC 208-630-230 What if there are claims against the bond? The licensee must notify the department of any claim against the bond within ten days after receiving notice of a claim.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-230, filed 10/21/05, effective 11/21/05.]

WAC 208-630-240 What is the amount of bond needed for licensees engaging only in check selling? The penal sum of the surety bond for a person with a check seller

license shall not be less than the amount established in the following table:

Highest Monthly Liability*	Required Bond	Plus Percentage of Excess
Up to \$50,000	Highest Monthly Liability or \$10,000, whichever is greater	\$0
\$50,001 to \$100,000	\$50,000	.5 above \$50,000
\$100,001 and above	\$75,000	.25 above \$100,000

* The monthly liability is the total sum of checks for a given month. The "highest monthly liability" shall be determined by multiplying the highest monthly liability of checks from the preceding calendar year by seventy-five percent.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-240, filed 10/21/05, effective 11/21/05.]

WAC 208-630-250 What is the amount of bond needed if a licensee has a small loan endorsement? The required penal sum of the bond for a small loan endorsement must be ten thousand dollars plus an additional one thousand dollars for each endorsed branch office beyond one branch.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-250, filed 10/21/05, effective 11/21/05.]

WAC 208-630-260 Does a licensee have any alternative to maintaining a surety bond? In lieu of the surety bond required in this rule, an applicant or licensee may substitute one of the following alternatives with the approval of the director. Any alternative to the surety bond shall secure the same obligations as would the surety bond. The amount of alternative substituted under subsection (1) or (2) of this section must be equal to or greater than the amount of the required surety bond.

(1) **Time deposit.** An assignment in favor of the director of a certificate of deposit. The certificate of deposit must be issued by a financial institution in the state whose deposits or shares are insured by an agency of the government of the United States. The depositor is entitled to receive all interest and dividends on the certificate of deposit.

(2) **Demonstration of net worth.** A licensee or applicant for a small loan endorsement may demonstrate net worth in excess of three times the amount of the required bond. The licensee shall notify the director within ten business days of any date upon which its net worth decreases below the required amount. A licensee that fails to maintain the required level of net worth and continues to operate under a small loan endorsement will be required to immediately obtain a surety bond and maintain it for five years after the date of noncompliance. During this five-year period, the director will not accept a demonstration of net worth in lieu of a surety bond.

(3) **Reports required.** A licensee that maintains net worth in lieu of a surety bond shall submit annually to the director an audited financial statement and within forty-five days after the close of each quarter a supplementary year-to-date financial statement prepared in accordance with gener-

ally accepted accounting principles. The financial statements must include at a minimum a statement of assets and liabilities and a profit and loss statement. The director may continue to require other documents, agreements or information necessary to properly evaluate and ensure that the licensee remains in compliance with this section.

(4) **Bad debts and judgments.** A licensee that maintains net worth in lieu of a surety bond may not consider bad debts and certain judgments as assets. The director may approve exceptions in writing. The licensee must charge off its books any debt upon which any payment is six months or more past due. The licensee may not count as an asset any judgment more than two years old which has not been paid. Time consumed by an appeal from a judgment is not counted in the two-year limit.

(5) **Noncompliance.** A licensee that does not comply with this section must obtain and file with the director a surety bond in the required amount in WAC 208-630-030 by the date specified by the director.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-260, filed 10/21/05, effective 11/21/05.]

WAC 208-630-270 When and under what circumstances may the director have access to the criminal history of an applicant or licensee, or controlling person? (1) The director may review any criminal history record information maintained by any federal, state, or local law enforcement agency relating to:

(a) An applicant for a license or small loan endorsement under chapter 31.45 RCW; or

(b) A controlling person of an applicant for a license under chapter 31.45 RCW.

(2) The director may deny, suspend or revoke a license if the applicant, licensee, or controlling person of the applicant or licensee fails to provide a complete set of fingerprints and a recent photograph on request.

(3) All criminal history record information received by the director is confidential information and is for exclusive use of the director and the division of consumer services. Except on court order or as provided by subsection (4) of this section, or otherwise provided by law, the information may not be released or otherwise disclosed to any other person or agency.

(4) The director may not provide a person being investigated under this section with a copy of the person's criminal history record obtained pursuant to subsection (1) of this section. This subsection does not prevent the director from disclosing to the person the dates and places of arrests, offenses, and dispositions contained in the criminal history records.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-270, filed 10/21/05, effective 11/21/05.]

WAC 208-630-280 Does a licensee have to pay a fee for a license application? At the time an applicant files for a license, the applicant must pay to the director a deposit fee for investigating and processing the application.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-280, filed 10/21/05, effective 11/21/05.]

WAC 208-630-290 How much are the fees for various license applications, and when does a licensee pay them? (1) The director shall collect a fee of sixty-nine dollars per employee hour expended for services, plus actual expenses, for review, investigation and processing of:

- (a) New license applications;
- (b) Small loan endorsement applications;
- (c) Additional locations;
- (d) Change of control;
- (e) Relocation of office;
- (f) Voluntary or involuntary liquidation of licensee.

(2) The director may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in this section.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-290, filed 10/21/05, effective 11/21/05.]

WAC 208-630-300 What happens if a licensee pays a lump sum payment in advance, and there is a surplus or deficiency in the application deposit? If the deposit required exceeds the actual amount derived in WAC 208-630-290(1), the amount in excess shall be refunded.

If the deposit fee does not cover the costs of investigation and processing, the applicant will pay for any additional cost, which will be itemized and billed by the director.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-300, filed 10/21/05, effective 11/21/05.]

WAC 208-630-310 Is the licensee's deposit fee refundable? The deposit fee is not refundable if the application is denied or withdrawn, or if the license is issued. The director will apply the deposit fee to the actual cost of investigating and processing the application.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-310, filed 10/21/05, effective 11/21/05.]

WAC 208-630-320 What examination authority does the director have? The director determines the frequency of examinations for the purpose of determining compliance with chapter 31.45 RCW and these rules.

The director or designee may at any time examine the records and documents used in the business of any licensee or licensee's agent wherever located.

The director or designee may examine the records and documents of any person the director believes is engaging in unlicensed business governed by chapter 31.45 RCW wherever located.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-320, filed 10/21/05, effective 11/21/05.]

WAC 208-630-330 May the director accept other reports in lieu of an examination? The director or designees may accept reports prepared by independent certified professionals or prepared by another state or the federal government in lieu of, in whole or in part, an examination performed by the director.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-330, filed 10/21/05, effective 11/21/05.]

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WAC 208-630-340 What should a licensee expect the director to review during an examination? In conducting examinations the director or designee may:

(1) Obtain access, during reasonable business hours, to the offices and places of business, books, accounts, papers, files, records, computers, safes and vaults of any person in possession of information relevant to the examination;

(2) Interview any person the director or designee believes has information relative to the examination, including, but not limited to, any party to the transaction;

(3) Obtain statements in writing by any person, under oath or otherwise, as to all facts and circumstances concerning the matters under examination;

(4) Require the production of copies of any items in subsection (1) of this section;

(5) Require assistance and cooperation, from any licensee or employee or agent of any licensee under examination with respect to the conduct and subject matter of the examination;

(6) Conduct meetings and exit review with owners, managers or employees of the licensee being examined;

(7) Require a response from the subject of the examination.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-340, filed 10/21/05, effective 11/21/05.]

WAC 208-630-350 Who pays for the costs of an examination? Every licensee must pay to the director the actual cost of examining and supervising each licensed place of business at the examination hourly rate of sixty-nine dollars per person per hour expended, plus actual expenses, which for out-of-state exams includes, without limitation, travel, lodging and per diem expense.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-350, filed 10/21/05, effective 11/21/05.]

WAC 208-630-360 Whether a business has a license or not, what should the business know about an investigation? The director or designee may conduct investigations at any time, in or outside of the state, to determine whether any person has violated or is about to violate chapter 31.45 RCW, these rules, or any order issued under these laws and rules. For that purpose the director or designee may conduct inquiries, interviews and examinations of any person relevant to the investigation.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-360, filed 10/21/05, effective 11/21/05.]

WAC 208-630-370 What powers does the director have during an investigation? The director or designee may investigate the business of a licensee, or other business or personal financial records of any person subject to investigation. In conducting investigations, the director or designee may:

(1) Have access to any location where records of the subject of the investigation are located, including offices, places of business, commercial storage facilities, computers, safes and vaults for the purposes of obtaining, reviewing or copying books, accounts, papers, files, or records, including electronic records, or records in any format;

(2) Administer oaths and affirmations;

(3) Subpoena witnesses and compel their attendance at a time and place determined by the director or designee, and compel their testimony regarding any matter related to an investigation or examination under chapter 31.45 RCW or these rules, including:

(a) Testimony regarding the existence, description, nature, custody, condition and location of any relevant evidence;

(b) The identity and location of persons having knowledge of any matter related to the investigation; and

(c) Any matter reasonably calculated to lead to the discovery of material evidence.

(4) Subpoena the production of any books, records in any format, documents or other tangible things, or physical or documentary evidence or matter;

(5) Conduct oral examination, under oath or otherwise, publicly or privately, of any controlling person, employee, agent or independent contractor of a licensee;

(6) Conduct oral examination, under oath or otherwise, publicly or privately, of any person whose testimony is deemed relevant to the investigation;

(7) Copy, or request to be copied, any items described in subsection (1) of this section, or if the director or designee determines that:

(a) There is danger that original records may be destroyed, altered, or removed denying the director access; or

(b) Original documents are necessary for the preparation of criminal referral or trial, the director may take possession of originals of any items described in subsection (1) of this section, regardless of the source of such items. Originals and/or copies taken by the director may be held, returned, or forwarded to other regulatory or law enforcement officials as determined necessary by the director or designee.

(8) Conduct analysis and review of any items described in subsection (1) of this section;

(9) Require assistance, as necessary, from any employee or person subject to investigation under this section with respect to the conduct and subject matter of the investigation;

(10) Conduct meetings and exit reviews with owners, managers, officers, or employees of any person subject to investigation or examination under this chapter;

(11) Conduct meetings and share information with other regulatory or law enforcement agencies; and

(12) Prepare and deliver, as deemed necessary, a report of investigation requiring a response from the recipient.

The director may investigate the business and records of any person who the director has reason to believe is engaging in business which requires a license under chapter 31.45 RCW.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-370, filed 10/21/05, effective 11/21/05.]

WAC 208-630-380 What are the fees for an investigation? Unless the person investigated is not required to hold a license, the person must pay the cost of the investigation at the hourly rate of sixty-nine dollars per person per hour expended, plus actual expenses, which for out-of-state investigations includes, without limitation, travel, lodging and per diem expense.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-380, filed 10/21/05, effective 11/21/05.]

WAC 208-630-390 May the director hire other specialists to assist with examinations and investigations, and who will pay for them? (1) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators, to conduct, or assist in the conduct of examinations, or investigations. Fees for services provided to the director by such professionals and specialists under this paragraph will be billed at such rates and in the manner described in WAC 208-630-350 and 208-630-380.

(2) The director may order the retention of such professionals and specialists as auditors, or investigators to conduct, or assist in the conduct of audits or investigations. Unless the director determines that the person investigated is not required to hold a license or otherwise should not bear the cost, the actual cost of these services will be borne by the person who is the subject of the audit, or investigation.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-390, filed 10/21/05, effective 11/21/05.]

WAC 208-630-400 Once licensed, what fees must a licensee pay to keep a license current? (1) The director will charge each licensee an annual assessment at the rate set forth in subsection (2) of this section. Assessments for a calendar year will be computed on total volume of transactions as of December 31 of the previous calendar year.

(2) The annual assessment rate is:

(a) For check cashers:

(i) If the volume of checks cashed is one million dollars or less, there is no annual assessment;

(ii) If the volume of checks cashed is over one million dollars, the annual assessment is five hundred thirteen dollars and ninety-five cents per licensed location.

(b) For check sellers:

(i) If the volume of checks sold is one million dollars or less, there is no annual assessment;

(ii) If the volume of checks sold is over one million dollars, the annual assessment is five hundred thirteen dollars and ninety-five cents per licensed location.

(c) For licensees with small loan endorsements, in addition to (a) and/or (b) of this subsection:

(i) If the volume of small loans made is one million dollars or less, there is no annual assessment;

(ii) If the volume of small loans made is over one million dollars, the annual assessment is five hundred thirteen dollars and ninety-five cents per licensed location.

(3) For purposes of this section, "volume" includes all transactions made under this chapter and chapter 31.45 RCW by a Washington licensed check casher or check seller at all licensed locations.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-400, filed 10/21/05, effective 11/21/05.]

WAC 208-630-410 What happens if a licensee is late with an annual assessment fee? If a licensee does not pay its annual assessment fee by April 15, the director must send the licensee a notice of suspension and assess a late fee of twenty-five percent of the annual assessment fee. The licensee's payment of both the annual assessment fee and the late fee must arrive in the department's offices by 5:00 p.m. on the tenth day after the annual assessment fee due date,

unless the department is not open for business on that date, then the licensee's payment of both the annual assessment fee and the late fee must arrive in the department's offices by 5:00 p.m. on the next day the department is open for business. If the payment of both the annual assessment fee and the late fee does not arrive prior to such time and date, the expiration of the licensee's license is effective at 5:00 p.m. on the thirtieth day after the assessment fee due date.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-410, filed 10/21/05, effective 11/21/05.]

WAC 208-630-420 How can a license be reinstated after it expires? The director may reinstate the license if, within twenty days after the effective date of expiration, the licensee:

(1) Pays both the annual assessment fee and the late fee; and

(2) Attests under penalty of perjury that it did not engage in conduct requiring a license under this chapter during the period its license was expired. The director may confirm the licensee's attestation by an investigation.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-420, filed 10/21/05, effective 11/21/05.]

WAC 208-630-430 When may a licensee expect a fee increase? The department intends to increase its fee and assessment rates each year for several bienniums. The department intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of fees and assessments each fiscal year during the 2005-2007 biennium.

(1) On July 1, 2005, the fee and assessment rates as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025. However, there will be no rate increase under this subsection (1) for assessments described in WAC 208-630-022 (2)(a)(i), (b)(i) and (c)(i).

(2) The director may round off a rate increase under subsection (1) of this section. However, no rate increase may exceed the applicable fiscal growth factor.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-430, filed 10/21/05, effective 11/21/05.]

WAC 208-630-440 How will a licensee know about fee increases? By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-440, filed 10/21/05, effective 11/21/05.]

WAC 208-630-450 When may the director waive fees? The director may waive any or all of the fees and assessments imposed, in whole or in part, when he or she determines that both of the following factors are present:

(1) The consumer services program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and

(2) That such course of action would be fiscally prudent.

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[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-450, filed 10/21/05, effective 11/21/05.]

WAC 208-630-460 When must a licensee inform the director of significant changes in business? A licensee must notify the director in writing within fifteen days of the occurrence of any of the following significant developments:

(1) Licensee filing for bankruptcy or reorganization.

(2) Notification of the initiation of license revocation procedures in any state against the licensee.

(3) The filing of criminal charges or a criminal indictment or information, in any way related to check cashing, check selling or small loan activities of the licensee, key officer, board director, or controlling person, including, but not limited to, the handling and/or reporting of moneys received and/or instruments sold.

(4) A licensee, sole proprietor, owner, director, officer, partner, member or controlling person being convicted of a crime.

(5) A change of control. In the case of a corporation, control is defined as a change of ownership by a person or group acting in concert to acquire ten percent of the stock, or the ability of a person or group acting in concert to elect a majority of the board directors or otherwise effect a change in policy of the corporation. The director may require such information as deemed necessary to determine whether a new application is required. In the case of entities other than corporations, change in control shall mean any change in controlling persons of the organization either active or passive. Change of control investigation fees shall be billed to the persons or group at the rate billed for applications.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-460, filed 10/21/05, effective 11/21/05.]

WAC 208-630-470 What types of information must a licensee include on a borrower's application for a small loan? The licensee must require and maintain an application for each borrower in each small loan transaction. Each application must contain the borrower's full name, Social Security number or other unique identifier acceptable to the director, current address, loan origination date, and whether the applicant is a military borrower at any time prior to the termination date of the loan. As used in this section "other unique identifier" means a state identification card, a passport, a document issued by the Immigration and Naturalization Service of the United States that provides identification of the borrower, a matricula consular, a driver's license, or other forms as approved by the director.

Licensees may rely upon an applicant representation regarding the applicant's military status, and are not required to conduct an independent investigation regarding military status.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-470, filed 10/21/05, effective 11/21/05.]

WAC 208-630-480 How must a licensee maintain customer small loan applications? The licensee may maintain a single master application in paper or electronic form that the licensee updates each time a customer takes out a new loan.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-480, filed 10/21/05, effective 11/21/05.]

WAC 208-630-490 What information must the note or small loan agreement contain? Each small loan made under a small loan endorsement pursuant to chapter 31.45 RCW must be evidenced by a written note or loan agreement which must contain at least the following:

- (1) The origination date of the loan;
- (2) The principal of the loan;
- (3) The manner in which the loan is to be repaid, including a statement of whether any check held in connection with a small loan may be redeemed in cash and if so, a statement of the date and time after which the licensee may choose not to permit redemption;
- (4) The termination date of the loan;
- (5) The dollar amount of fees and the method of calculating fees;
- (6) The annual percentage rate as defined in the federal Truth in Lending Act; and
- (7) The signature or electronic signature of the borrower.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-490, filed 10/21/05, effective 11/21/05.]

WAC 208-630-500 When must a licensee provide a note or small loan agreement to the borrower? A licensee must provide a copy of the note or loan agreement (or if in electronic form, make available) to the borrower at the time the borrower executes the note or loan agreement.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-500, filed 10/21/05, effective 11/21/05.]

WAC 208-630-510 When does a borrower have a right to enter into a statutory payment plan? A borrower has a right to convert a small loan to a statutory payment plan after four successive loans and prior to default on the last loan.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-510, filed 10/21/05, effective 11/21/05.]

WAC 208-630-520 If a borrower and licensee enter into a statutory payment plan, what is the term of the payment plan? A payment plan under the provisions of RCW 31.45.084 must be for a period of at least sixty days unless a shorter period is agreed to by both the borrower and the licensee.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-520, filed 10/21/05, effective 11/21/05.]

WAC 208-630-530 If a borrower and licensee enter into a statutory payment plan, how must the payments be structured? A payment plan under the provisions of RCW 31.45.084 must provide for at least three separate payments which, unless otherwise requested by the borrower and agreed to in writing by the lender, shall be:

- (1) Equal to the total amount of the payment plan divided by the number of payments (subject to reasonable rounding); and
- (2) Due at substantially equivalent intervals. For example, a sixty-day, three hundred fifty dollar payment plan entered into on May 1 providing for payments of one hundred

twenty dollars on May 20, one hundred twenty dollars on June 11, and one hundred ten dollars on June 29, complies with this rule.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-530, filed 10/21/05, effective 11/21/05.]

WAC 208-630-540 Must a licensee comply with the federal Truth in Lending Act when entering into a payment plan? An agreement to enter into a payment plan under the provisions of RCW 31.45.084 must comply with the federal Truth in Lending Act, 15 U.S.C. Sec. 1601.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-540, filed 10/21/05, effective 11/21/05.]

WAC 208-630-550 May the licensee and the borrower enter into a payment plan prior to the fourth consecutive loan? A licensee is not prohibited from entering into a payment plan with a borrower at any time prior to the time a borrower's right to a statutory payment plan is triggered under RCW 31.45.084. Any payment plan other than a statutory payment plan may be on any terms on which a licensee and borrower may agree.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-550, filed 10/21/05, effective 11/21/05.]

WAC 208-630-560 What types of disclosures must a licensee make to a borrower? (1) A licensee must deliver to the borrower at the time the licensee makes a small loan, a disclosure that meets the requirements of all applicable laws, including the federal Truth in Lending Act.

(2) A licensee must deliver to the borrower at the time the licensee makes the small loan a disclosure of the right to rescind the loan and the right to convert the loan to a payment plan.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-560, filed 10/21/05, effective 11/21/05.]

WAC 208-630-570 What must be included in the disclosures? The disclosure referred to in WAC 208-630-560(2) must be substantially in the following form:

Your right to a payment plan.

If this is your fourth (or greater) successive loan, and if you are not in default, you may convert your loan to a payment plan with us. "Successive loans" means loans made to you by us with no more than three business days between the repayment in full of one loan and the beginning date of the next loan.

A payment plan will allow you, by paying a one time fee equal to the finance charge on your loan, to pay all that you owe in at least three payments over a period of at least sixty days.

Your right to rescind (cancel) this loan. You have the right to rescind (cancel) this loan by returning the amount of the loan in cash, or returning the check given to you by us to our office by the close of business on our next business day following the date of this loan. We may not charge you for canceling the loan and we will return to you any postdated check or electronic equivalent you have given to us.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-570, filed 10/21/05, effective 11/21/05.]

WAC 208-630-580 In addition to providing disclosures to the borrower, does a licensee have to post any disclosures? Licensees that make small loans must post at each location where small loans are made a conspicuous notice substantially in the form set forth in the preceding question.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-580, filed 10/21/05, effective 11/21/05.]

WAC 208-630-590 How must a licensee format disclosures? All disclosures must be presented in a manner and physical format that is clear, conspicuous and designed to call attention to each right and responsibility of the borrower and lender being disclosed. Such statements may be provided separately or included within the note or loan agreement.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-590, filed 10/21/05, effective 11/21/05.]

WAC 208-630-600 What documentation must a licensee keep to show that the licensee has made the proper disclosures? A licensee must maintain in its files sufficient information to show compliance with the consumer disclosure requirements of chapter 31.45 RCW, these rules, and state and federal law.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-600, filed 10/21/05, effective 11/21/05.]

WAC 208-630-610 Are there accounting and financial records that a licensee must keep? Licensees must maintain as a minimum the following records for at least two years.

(1) A licensee must maintain a record of transactions conducted. Such a record may be limited to the following provided a sufficient audit trail is available through records obtainable from the licensee's bank of account:

- (a) Amount of the checks cashed;
- (b) Amount of fees charged for cashing the check;
- (c) Amount of cash deducted from the transaction for the sales of other services or products;
- (d) Amount of each check or monetary instrument sold;
- (e) Amount of fee charged for the monetary instrument;
- (f) Amount of small loan proceeds disbursed;
- (g) Fees charged for small loans;
- (h) Amount of payments on small loans received;
- (i) Origination date of each small loan;
- (j) Termination date of each small loan;
- (k) Payment plan payment due dates;
- (l) The information required to be maintained for applications in the rule.

(2) Licensees must maintain a cash reconciliation summarizing each day's activity and reconciling cash on hand at the opening of business to cash on hand at the close of business. Such reconciliation must separately reflect cash received from the sale of checks, redemption of returned items, bank cash withdrawals, cash disbursed in cashing of checks, cash disbursed in making small loans, cash received in payment of small loans and bank cash deposits.

(3) Records of the disbursement of loan proceeds and the receipt of all payments on the balance of small loans must be kept and must indicate the date of the transaction, the borrower's name, amount, and whether the disbursement or payment is on a loan or payment plan.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-610, filed 10/21/05, effective 11/21/05.]

WAC 208-630-620 In what form must a licensee maintain accounting and financial records? Licensees may maintain records required in combined form, hand or machine posted, or automated, and licensees may maintain them on any electronic, magnetic, optical or other storage media. However the licensee must maintain the necessary technology to permit access to the records by the department for the period required by law.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-620, filed 10/21/05, effective 11/21/05.]

WAC 208-630-630 May the director ask a licensee for records regarding the previous day's transactions? Upon request of the director or director's designee a licensee must within one business day make available, either directly or through a third party, a record of the previous day's transactions.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-630, filed 10/21/05, effective 11/21/05.]

WAC 208-630-640 What specific accounting records must a licensee maintain? Licensees must maintain a general ledger containing records of all assets, liabilities, capital, income, and expenses. The licensee must post a general ledger from the daily record of checks cashed or other record of original entry, at least monthly, and it must be maintained in such manner as to facilitate the preparation of an accurate trial balance of accounts in accordance with generally accepted accounting practices.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-640, filed 10/21/05, effective 11/21/05.]

WAC 208-630-650 May a licensee maintain a consolidated general ledger if the licensee has two or more locations? A licensee may maintain a consolidated general ledger reflecting activity at two or more locations by the same licensee provided that the licensee maintain books of original entry separately for each location.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-650, filed 10/21/05, effective 11/21/05.]

WAC 208-630-660 What must a licensee have in employees' personnel files? Every licensee must maintain personnel files for its employees. Each file must contain the employee's full name, date of birth, date of hire and date of termination, last known address and Social Security number.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-660, filed 10/21/05, effective 11/21/05.]

WAC 208-630-670 For licensees with small loan endorsements what information must the licensee keep in every loan file? For licensees with small loan endorsements, each loan file must contain at least a copy of the application, a copy of the note or loan agreement and a copy of any disclosure statement. As used in this section, "application" means any information received by the licensee from the borrower for the purposes of making a lending decision, includ-

ing, but not limited to, personal employment history and credit history.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-670, filed 10/21/05, effective 11/21/05.]

WAC 208-630-680 Are there specific banking requirements for check sellers? All monetary instruments issued by check sellers must be drawn on a financial institution domiciled in the United States.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-680, filed 10/21/05, effective 11/21/05.]

WAC 208-630-690 When must a check casher deposit a monetary instrument? Once a licensee cashes a monetary instrument the licensee must send the monetary instrument for deposit to the licensee's account at a depository financial institution located in Washington state or send it for collection not later than the close of business on the third business day after the day on which the licensee accepted the monetary instrument for cash. This subsection does not apply if the licensee accepted the monetary instrument as part of a small loan transaction under chapter 31.45 RCW.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-690, filed 10/21/05, effective 11/21/05.]

WAC 208-630-700 When may a licensee deposit a monetary instrument accepted in the course of making a small loan? A licensee with a small loan endorsement may not deposit a monetary instrument accepted in the course of making a small loan under the act prior to the termination date and any time disclosed on the note or small loan agreement.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-700, filed 10/21/05, effective 11/21/05.]

WAC 208-630-710 What other federal and state laws and regulations must a licensee comply with? Each licensee must comply with applicable federal and state laws including, but not limited to, the following:

- (1) Chapter 63.29 RCW, the Uniform Unclaimed Property Act; and
- (2) The federal Truth in Lending Act.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-710, filed 10/21/05, effective 11/21/05.]

WAC 208-630-720 Is a licensee required to register with the Secretary of the Treasury? Each licensee must register with the Secretary of the Treasury of the United States if required by 31 U.S.C. Section 5330 or any regulations promulgated thereunder.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-720, filed 10/21/05, effective 11/21/05.]

WAC 208-630-730 What records and actions does a licensee need to take to assure the licensee is correctly reporting under the Bank Secrecy Act? Each licensee shall maintain detailed records to satisfy currency transaction reporting and suspicious activity reporting requirements of the United States Treasury Department.

Each licensee shall implement an antimoney laundering program that includes the development of internal policies, procedures and controls, training of employees, the appointment of a compliance officer, and the appointment of an external reviewer of the antimoney laundering program if required by 31 U.S.C. Section 5318(h).

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-730, filed 10/21/05, effective 11/21/05.]

WAC 208-630-740 What obligation does a licensee have to assure that employees comply with the laws and rules regarding payday lending and check cashing and selling? Each licensee shall ensure that any employee or person who engages in business on behalf of the licensee under authority granted by chapter 31.45 RCW has sufficient understanding of the statutes and rules applicable to its business to assure compliance with such statutes and rules.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-740, filed 10/21/05, effective 11/21/05.]

WAC 208-630-750 What fees may licensees charge to collect a delinquent small loan? A licensee when collecting a delinquent small loan may:

(1) Agree with the borrower for the payment of fees for a credit report received from a recognized credit reporting company when the licensee pays these fees to an unaffiliated third party for services. In no event may the fee exceed the actual cost charged by the provider of the credit report.

(2) Charge or collect a fee equal to or less than twenty-five dollars for a check returned unpaid by the bank drawn upon. Only one fee may be collected with respect to a particular check even if it has been redeposited and returned more than once.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-750, filed 10/21/05, effective 11/21/05.]

WAC 208-630-760 What are the legal restrictions on making small loans? A licensee with a small loan endorsement is subject to various restrictions.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-760, filed 10/21/05, effective 11/21/05.]

WAC 208-630-770 May a licensee allow a borrower to refinance or "rollover" a small loan with another small loan? A licensee may not allow a borrower to use a new small loan to pay off an existing small loan by the same lender or an affiliate of the lender. Licensees may not apply the proceeds from any small loan to any other loan from the same lender or affiliate of the lender.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-770, filed 10/21/05, effective 11/21/05.]

WAC 208-630-780 May a licensee use a name or place of business other than that named on the license or small loan endorsement? A licensee may not make any loan under authority granted by chapter 31.45 RCW under any name or at any place of business other than that named on the license and small loan endorsement.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-780, filed 10/21/05, effective 11/21/05.]

WAC 208-630-790 What is the limit on the amount of checks a licensee may hold from one borrower? A licensee may not hold a check or checks in an aggregate face amount of more than seven hundred dollars plus allowable fees from any one borrower at any one time.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-790, filed 10/21/05, effective 11/21/05.]

WAC 208-630-800 May a licensee holding a borrower's check for a period longer than the statutory limit of forty-five days charge additional fees? A licensee may hold a check for more than forty-five days if requested to do so by the borrower. The licensee may not charge additional fees for holding the check.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-800, filed 10/21/05, effective 11/21/05.]

WAC 208-630-810 May a licensee charge additional fees to cash monetary instruments issued as part of a small loan? The licensee may not charge an additional fee to cash a monetary instrument issued as part of a small loan made under chapter 31.45 RCW.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-810, filed 10/21/05, effective 11/21/05.]

WAC 208-630-820 May a licensee charge any fees if a borrower decides to convert their loan to a payment plan? A licensee may not charge any fee or impose any other burden upon the decision of a borrower to convert their small loan to a payment plan as provided under RCW 31.45.084, other than the terms and conditions expressly authorized by RCW 31.45.084.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-820, filed 10/21/05, effective 11/21/05.]

WAC 208-630-830 What are a licensee's annual financial and reporting requirements? Each licensee must submit the reports of its Washington activities described in this section, on a form prescribed and made available by the director, due not later than one hundred five days after the close of the calendar year (or fiscal year if a licensee has established a fiscal year different from the calendar year). Licensees must make each report for the prior calendar year or fiscal year, which shall be referred to in these rules as the "period." A consolidated annual report must contain:

(1) The total number of employees and annual payroll during the period;

(2) The total number and dollar volume of transactions during the period;

(3) The total dollar amount of fees collected during the period;

(4) The total number and dollar amount of undeposited checks taken or held in connection with check cashing and small loan endorsement business at the end of the period;

(5) The total number and dollar amount of returned (NSF) checks taken or held in connection with check cashing and small loan business at the end of the period, and the total dollar amount of fees collected for returned (NSF) checks during the period;

(6) The total number and dollar amount of charge-offs (losses), net of any recoveries, for the period;

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(7) The total dollar amount of net income before and after taxes earned under authority of this chapter.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-830, filed 10/21/05, effective 11/21/05.]

WAC 208-630-840 Who may a licensee hire to prepare the financial statements in the annual report? Financial statements contained in the annual report may be prepared by outside accountants or by the licensee's own accountants.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-840, filed 10/21/05, effective 11/21/05.]

WAC 208-630-850 What information must a licensee have in the annual assessment report? An annual assessment report must contain:

(1) The total dollar volume of checks cashed during the period, if applicable; and

(2) The total dollar volume of checks sold during the period, if applicable.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-850, filed 10/21/05, effective 11/21/05.]

WAC 208-630-860 If licensee has a small loan endorsement, what other reports must be filed? For all licensees with small loan endorsements a report containing the following:

(1) The total dollar volume of small loans made during the period, including payment plan loans;

(2) The total number of loans made for the period;

(3) The total number of borrowers for the period;

(4) The number of borrowers whose accounts were referred to collection agencies;

(5) The number of loans rescinded during the period;

(6) The number of borrowers entering into a payment plan;

(7) The number of loans made to borrowers to be paid through an ACH (automated clearing house) or other electronic transaction;

(8) The number of loans made to borrowers through other than a physical visit to the licensee's location (e.g., internet, telephone, etc.); and

(9) The number of active military borrowers during the period.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-860, filed 10/21/05, effective 11/21/05.]

WAC 208-630-870 If a licensee has a loan volume of at least ten million dollars in principal in the year prior, what additional reports must the licensee file with the director? For licensees with small loan endorsements and total loan volume of at least ten million dollars in principal in the one year period just prior to the period under report, a report containing the following in a form prescribed by the director:

(1) The number of loans per borrower for the period;

(2) The number of loans per military borrower during the period; and

(3) The number of loans with terms in each of the following categories for the period:

- (a) One to seven days;
- (b) Eight to fourteen days;
- (c) Fifteen to Twenty-one days;
- (d) Twenty-two to thirty-one days; and
- (e) Thirty-two or more days.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-870, filed 10/21/05, effective 11/21/05.]

WAC 208-630-880 What must a check seller report when surrendering or revoking a license? A licensee engaged in the business of selling monetary instruments whose license has been surrendered or revoked shall submit to the director, at its own expense, on or before one hundred five days after the effective date of such surrender or revocation, a closing annual report containing audited financial statements as of such effective date. This closing annual report shall cover the twelve months ending with such closure date or for such other period as the director may specify. If the report, certificate, or opinion of the independent accountant is in any way qualified, the director may require the licensee to take such action as appropriate to permit an independent accountant to remove such qualification from the report, certificate, or opinion. Such report shall include relevant information specified by the director.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-880, filed 10/21/05, effective 11/21/05.]

WAC 208-630-890 What must a licensee, other than a check seller, report when surrendering or revoking a license? A licensee not engaged in the business of selling monetary instruments whose license has been surrendered or revoked shall submit to the director at its own expense, on or before one hundred five days after the effective date of such surrender or revocation, a closing annual report covering the twelve months ending with such closure date or for such other period as the director may specify. Financial statements contained in this closing report may be prepared by outside accountants or by the licensee's own accountants.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-890, filed 10/21/05, effective 11/21/05.]

WAC 208-630-900 What additional information must a licensee include with annual reports and financial statements? The reports and financial statements in the consolidated annual report, the report for all licensees with small loan endorsements, and the report for licensees with small loan endorsements over ten million dollars in principal in the one year prior to the reporting period must include at least a balance sheet and a statement of income together with such other relevant information as the director may require, prepared in accordance with general accepted accounting principles. The reports and financial statements in the report for licensees with small loan endorsements over ten million dollars in the one year prior to the reporting period must be accompanied by a report, certificate, or opinion of an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-900, filed 10/21/05, effective 11/21/05.]

WAC 208-630-910 May a licensee request an extension of time to comply with reporting requirements? For good cause and upon written request, the director may extend the time for compliance with reporting requirements.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-910, filed 10/21/05, effective 11/21/05.]

WAC 208-630-920 Under what circumstances would a licensee submit unaudited financial statements to the director? A licensee shall, when requested by the director, for good cause, submit its unaudited financial statement, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income as of the date and for the period specified by the director.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-920, filed 10/21/05, effective 11/21/05.]

WAC 208-630-930 When may the director reject financial statements and other reports submitted to the director by the licensee? The director may reject any financial statement, report, certificate, or opinion filed pursuant to this section. The director must notify the licensee or other person required to make such filing of its rejection and the cause thereof.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-930, filed 10/21/05, effective 11/21/05.]

WAC 208-630-940 How much time does a licensee have to correct the deficiency in financial statements or other reports? Within thirty days after the receipt of such notice, the licensee or other person shall correct such deficiency. The director shall retain a copy of all filings so rejected.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-940, filed 10/21/05, effective 11/21/05.]

WAC 208-630-950 What are the trust accounting requirements that a licensee must comply with? (1) At least monthly a licensee in the business of selling checks shall withdraw from the trust account an amount equal to fees earned for the corresponding period from the sale of monetary instruments. The remaining balance of the trust account must be sufficient to cover all monetary instruments that remain outstanding and drawn against the trust account.

(2) A licensee is prohibited from allowing the bank of account to charge back checks or drafts deposited to the trust account and subsequently dishonored against said trust account.

(3) A licensee, whose license has been suspended, terminated, or not renewed, shall not make withdrawals from the trust account without the director's consent, until a closing report has been received according to these rules.

[Statutory Authority: RCW 31.04.165, 43.320.040, 31.45.030, 31.45.050, 31.45.200. 05-22-009, § 208-630-950, filed 10/21/05, effective 11/21/05.]

Chapter 208-680A WAC
ESCROW—ORGANIZATION AND
ADMINISTRATION
 (Formerly chapter 308-128A WAC)

WAC

208-680A-040 Definitions.

WAC 208-680A-040 Definitions. The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

"Third party to the transaction" means those persons providing professional services necessary for the closing of the escrow. "Third party to the transaction" includes, but is not limited to: Real estate brokers, lenders, mortgage brokers, attorneys engaged to review the escrow, tax facilitators or underlying lien holders.

"Applicant" means any person applying for an escrow officer license or any person or group of persons applying for an escrow agent license. The term "applicant" includes the officers and controlling persons of the applicant, as well as any escrow officer seeking to become an escrow agent's designated escrow officer or designated branch escrow officer.

"Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

"Closing" means the transfer of title of real or personal property or execution of a real estate contract whichever event occurs first.

"Completed escrow" means a transaction in which the escrow agent has fully discharged its duties to the principal parties to the transaction. This includes obtaining all necessary documents, obtaining required signatures, completing reconveyance or title elimination, and disbursing funds to the principal parties to the transaction, the agents to the transaction, and to third parties to the transaction as agreed by the principal parties in the escrow instructions or on the settlement form (such as HUD1 or HUD1A).

"Conversion" means an unauthorized assumption and exercise of the right of ownership over moneys, property, or things of value belonging to another, to the alteration of the condition of, or the exclusion of the owner's rights to such moneys, property, or things of value. It includes any unauthorized act which deprives an owner of his/her property permanently or for an indefinite time, including but not limited to theft, embezzlement, forgery, swindling, and unauthorized control.

"Escrow instructions" are the instructions, signed by the principal parties to the transaction that identify the duties and responsibilities of the escrow agent in carrying out the escrow, that identify the thing or things of value held by the escrow agent and the specified condition or set of conditions under which the thing or things of value are to be transferred.

"Investigation" means an examination undertaken for the purpose of detection of violations of chapter 18.44 RCW, and these rules or securing information lawfully required under

chapter 18.44 RCW, and these rules. The director or his or her designee may make private or public investigations.

"Officers" of the escrow agent shall include the president, secretary, treasurer, vice-president, and any other persons with control over management decisions of the escrow agent.

"Overdue instrument" means a negotiable instrument that is overdue as defined in RCW 62A.3-304.

"Permanent record" means any record required to be kept under RCW 18.44.400 for a period of six years from the completion of the escrow transaction.

"Principal parties" means the buyers and sellers in a purchase transaction, and the borrower in a refinance transaction.

"Reconveyance" means an instrument used to transfer title from an individual holding such title in trust to the equitable owner of real estate, when title is held as collateral security for a debt.

"Split escrow" means a transaction in which two or more escrow agents act to effect and close an escrow transaction.

"Transfer of title" occurs at the time the seller executes a deed or bill of sale and such is delivered to the purchaser or recorded.

"Trust" means a fiduciary relationship whereby a thing of value is delivered to an escrow agent with the intention that such thing of value be administered by the escrow agent for the benefit of the principal parties to the transaction.

"Trust account" or "trust bank account" means a bank account holding funds of any party to the transaction.

"Unclaimed funds" means any funds that are abandoned under the Uniform Unclaimed Property Act, chapter 63.29 RCW.

[Statutory Authority: RCW 18.44.410, 05-03-038, § 208-680A-040, filed 1/10/05, effective 2/10/05; 01-08-055, § 208-680A-040, filed 4/2/01, effective 5/3/01. Statutory Authority: RCW 42.320.040 [43.320.040] and 18.44.320, 96-21-082, § 208-680A-040, filed 10/16/96, effective 11/16/96. 96-05-018, recodified as § 208-680A-040, filed 2/12/96, effective 4/1/96. Statutory Authority: RCW 18.44.320, 94-04-050, § 308-128A-040, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128A-040, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128A-040, filed 6/7/79; Order RE 122, § 308-128A-040, filed 9/21/77.]

Chapter 208-680E WAC

ESCROW—TRUST ACCOUNT PROCEDURES
 (Formerly chapter 308-128C WAC)

WAC

208-680E-025 Quarterly reports.

WAC 208-680E-025 Quarterly reports. (1) For purposes of determining compliance with chapter 18.44 RCW and chapter 208-680 WAC, each escrow agent shall file with the director, within thirty days following the end of each fiscal quarter, a report concerning its operations and trust account administration and reconciliation. The report shall be on a form provided by the director and shall include exhibits as specified therein.

(2) As to trust account matters, the designated escrow officer of the escrow agent shall certify under penalty of perjury, in a manner consistent with RCW 9A.72.085, that he or she has reviewed the report and any exhibits filed with it and

that the information contained in the report and in any exhibits is true and correct. The chief executive officer or chief financial officer of the escrow agent, or other knowledgeable person acceptable to the director, may certify the information on the report not related to trust account matters.

(3) Failure to file the report within the time period specified in this rule shall be considered a violation of RCW 18.44.430.

[Statutory Authority: RCW 18.44.410. 05-03-038, § 208-680E-025, filed 1/10/05, effective 2/10/05.]

Chapter 208-680F WAC
ESCROW—FINANCIAL RESPONSIBILITY
 (Formerly chapter 308-128C WAC)

WAC

208-680F-020 Errors and omissions policy—Securities alternative.

WAC 208-680F-020 Errors and omissions policy—Securities alternative. (1) Securities used as an alternative to an errors and omissions policy shall be effectively delivered to the director and the escrow agent shall execute an irrevocable assignment and any supporting documentation as required by the director.

(2) Only those securities that meet the definition of "investment securities" under chapter 208-512 WAC may be used to satisfy RCW 18.44.201. Securities issued by the registered escrow agent or its affiliates are not acceptable securities for the purposes of fulfilling the requirements of RCW 18.44.201.

[Statutory Authority: RCW 18.44.410. 05-03-038, § 208-680F-020, filed 1/10/05, effective 2/10/05; 01-08-055, § 208-680F-020, filed 4/2/01, effective 5/3/01. 96-05-018, recodified as § 208-680F-020, filed 2/12/96, effective 4/1/96. Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128F-020, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128F-020, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-020, filed 6/7/79. Statutory Authority: RCW 18.44.360. 78-08-027 (Order RE 124, Resolution No. RE 124), § 308-128F-020, filed 7/14/78; Order RE 122, § 308-128F-020, filed 9/21/77.]

Chapter 208-680G WAC
EXAMINATIONS, INVESTIGATIONS,
ENFORCEMENT, SANCTIONS, AND COSTS

WAC

208-680G-050 Examination and investigation fees and expense—
 Authority to retain specialists.

WAC 208-680G-050 Examination and investigation fees and expense—Authority to retain specialists. (1) The director may retain attorneys, appraisers, independent certified public accountants, or other professionals and specialists as examiners, auditors, or investigators, the cost of which shall be borne by the person who is the subject of the examination, audit, or investigation.

(2) The expense of an examination or investigation pursuant to WAC 208-680G-010 or 208-680G-020 inside or outside this state shall be borne by the person examined or investigated.

(3) The expenses of an examination or investigation pursuant to this section may include, but are not limited to, staff time, travel, lodging, per diem, and any other expenses

related to the examination or investigation. At a reasonable time following each examination or investigation performed, the director shall provide the person examined with an invoice for the expenses incurred during the examination or investigation. Payment of the invoiced amount is due within thirty days of the date of the invoice.

[Statutory Authority: RCW 18.44.121, [18.44].410. 05-03-037, § 208-680G-050, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 18.44.410. 01-08-055, § 208-680G-050, filed 4/2/01, effective 5/3/01.]

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

212-17-265	Reports. [Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-265, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-265, filed 11/2/82.] Repealed by 05-12-033, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapters 43.43 and 70.77 RCW.
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WAC 212-17-025 Definition—"Fireworks." The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic, consumer, or display fireworks.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-025, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-025, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-025, filed 11/2/82.]

WAC 212-17-030 Definition and classification—"Trick and novelty devices." The term "trick and novelty devices" shall mean any small firework device not classified as consumer or display fireworks by the United States Department of Transportation or elsewhere in these rules, including:

(1) Snakes, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(a) Party popper. Small plastic or paper item containing not more than 16 mg of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) Booby trap. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(d) Trick match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(e) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding 50 mg, may also be used to produce a small report. A squib is used to ignite the device.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-030, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-030, filed 11/2/82.]

WAC 212-17-032 Definition and classification—"Articles pyrotechnic." The term "articles pyrotechnic" shall mean pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use which meet the weight limits for consumer fireworks but which are not labeled as such and which are classified as UN0431 or UN0432 by the Department of Transportation at 49 C.F.R. Sec. 172.101.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-032, filed 5/24/05, effective 6/24/05.]

WAC 212-17-035 Definition and classification—"Consumer fireworks." The term "consumer fireworks" shall mean any fireworks designed primarily to produce visible or audible effects by combustion. The term includes:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Division 1.4, 1.5, or 1.6 explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into

the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial device.

(a) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(b) Roman candles. Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(c) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars," or other devices are propelled into the air. The tube remains on the ground.

(3) Combination items. Fireworks devices containing combinations of two or more of the effects described in this section.

(4) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(5) Aerial shell. A 1 3/4" or smaller cylindrical or spherical cartridge containing up to 40 grams of chemical composition.

(6) Mortar. A 1 3/4" or smaller cardboard tube in which aerial shells are discharged into the air.

(7) Division 1.4G explosives classified on January 1, 1984, as consumer fireworks by the United States Department of Transportation except that the term shall not include firecrackers, salutes, chasers, skyrockets, or missile-type rockets.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-035, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250.

84-23-009 (Order FM 84-05), § 212-17-035, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-035, filed 11/2/82.]

WAC 212-17-040 Definition and classification—
"Display fireworks." The term "display fireworks" shall mean large fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes, but is not limited to:

(1) Sky rocket. Tubes not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(2) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Firework devices which use a cylindrical bore or rod for launching stability, even though the word "missile" may appear on the label, are not included in this category.

(3) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 2 grains (130 mg) of explosive composition. Upon ignition, noise and a flash of light is produced.

(4) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

(5) Display pieces. Fireworks containing more than 2 grains (130 mg) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "consumer fireworks." Display fireworks are classified as Division 1.3G explosives by the United States Department of Transportation.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-040, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-040, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-040, filed 11/2/82.]

WAC 212-17-042 Definition and classification—
"Special effects." The term "special effects" shall mean a visual or audible effect for entertainment purposes created exclusively by "display fireworks" or "articles pyrotechnic."

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-042, filed 5/24/05, effective 6/24/05.]

WAC 212-17-050 Firework device chemical content, construction. All consumer fireworks devices shall meet the following chemical content, design, and construction requirements.

(1) Prohibited chemicals. Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(i) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included;

(ii) In caps and party poppers;

(iii) In those small items wherein the total powder content does not exceed four grams of which not greater than fifteen percent is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). EXCEPT that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

(2) Fuses.

(a) Fireworks devices that require a fuse shall:

(i) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempt from this requirement.

(ii) Utilize only a fuse which will burn at least three seconds but not more than six seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus eight ounces dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.

(3) Bases. The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

(4) Pyrotechnic leakage. The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling and normal operation.

(5) Burnout and blowout. The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

(6) Handles and spikes. Fireworks devices that are intended to be hand-held and are so labeled shall incorporate a handle at least four inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber, except sparklers 10" or less in length shall have handles at least 3" in length. Spikes provided with fireworks devices shall protrude at least two inches from the base of the device and shall have a blunt tip not less than 1/8 inch in diameter or 1/8 inch square.

(7) Wheel devices. Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

(8) Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and small but brief bursts of flame accompanying normal smoke production) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with illegal explosive devices such as M-80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

(9) Rockets with sticks. Rockets with sticks (including sky rockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, or normal operation.

(10) Party poppers. Party poppers (also known by other names such as "champagne party poppers" and "party surprise poppers" shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain non-flammable soft paper or cloth inserts.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-050, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-050, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-050, filed 11/2/82.]

WAC 212-17-055 Firework device, labeling. (1) Any consumer fireworks device not required to have a specific label by 16 CFR 1500.14 (b)(7), 1981, as of October 29, 1982, shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed.

(2) Every fireworks device, or fireworks device container where the device is packaged in an immediate container intended or suitable for delivery to the ultimate consumer, shall be conspicuously labeled with the name and place of business of the manufacturer, packer, distributor, or seller and the United States Department of Transportation designation as "Division 1.4G consumer fireworks" or "Division 1.3G special fireworks."

(3) All label wording shall be prominently located, in the English language, and in conspicuous and legible type in contrast by typography, layout, or color with the printed matter on the fireworks device or container.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-055, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-055, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-055, filed 11/2/82.]

WAC 212-17-060 Public purchase of fireworks. (1) The public may purchase consumer fireworks only from licensed retail fireworks stands between noon, June 28th and 9:00 p.m. July 5th of each year. Purchase or discharge is prohibited between the hours of 11:00 p.m. and 9:00 a.m., except on July 4th, in which fireworks can be discharged between the hours of 9:00 a.m. and 12:00 midnight. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (2) of this section.

(2) Religious organizations or private organizations or adult persons may be authorized to purchase consumer fireworks or such audible ground devices as firecrackers, salutes, and chasers, as defined in WAC 212-17-040 (3) and (4) from licensed manufacturers, importers, or wholesalers for use on prescribed dates and locations for religious or specific purposes, when a permit is obtained from the fire chief or other designated local official. Application shall be on forms provided by the director of fire protection and shall contain the following information:

- (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks;
- (b) The date and time of the proposed discharge;
- (c) The location of the proposed discharge;
- (d) The quantity and type of fireworks desired to be purchased and discharged;
- (e) The reason or purpose of the discharge; and
- (f) The signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not." Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

(3) The purchase or receipt of mail-order fireworks through any medium of either interstate or intrastate commerce is prohibited unless the purchaser has first obtained an importers license.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-060, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-060, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-060, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-060, filed 11/2/82.]

WAC 212-17-085 Fireworks manufacturer—Records and reports. Manufacturers shall, when requested to do so, submit written reports to the chief of the Washington state patrol, through the director of fire protection on production, sale and distribution of fireworks and name of the person to whom such fireworks were sold.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-085, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-085, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-085, filed 11/2/82.]

WAC 212-17-185 Retailers of fireworks—License and permit. (1) Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the director of the Washington state patrol fire protection bureau.

(2) In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction.

(a) The application shall be made on forms provided by the director of fire protection and shall be accompanied by the license fee of forty dollars.

(b) License applications shall be made on or before May 1 of the year for which the license is desired.

(c) The director of fire protection shall grant or deny the license within fifteen days of receipt of the application.

(d) Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained.

(3) A retailer's license to sell fireworks shall not authorize the licensee to engage in any other fireworks activity. Retailers are limited to selling only those fireworks which have been approved for sale to the public and appear on the list of approved fireworks published annually by the director of fire protection. A copy of the list shall be prominently posted at each retail outlet.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-185, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-185, filed 1/23/98, effective 2/23/98. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-185, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-185, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-185, filed 11/2/82.]

WAC 212-17-198 Retailers of fireworks—List. The following is the list of fireworks that may be sold to the public.

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices.

(a) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(b) Roman candles. Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(c) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(d) Aerial shell. A 1 3/4" or smaller cylindrical or spherical cartridge containing up to 40 grams of chemical composition.

(e) Mortar. A 1 3/4" or smaller cardboard tube in which aerial shells are discharged into the air.

(3) Combination items. Fireworks devices containing combinations of two or more of the effects described in this section.

(4) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(5) Division 1.4G explosives classified on January 1, 1984 as consumer fireworks by the United States Department of Transportation except that the term shall not include firecrackers, salutes, chasers, skyrockets or missile-type rockets.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-198, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-198, filed 11/9/84.]

WAC 212-17-21503 Retailers of fireworks—Definitions. (1) "Consumer fireworks" means those fireworks defined as consumer fireworks in RCW 70.77.136.

(2) "Following year" means the year immediately following the year in which a license or permit is issued.

(3) "License" means a license as defined in RCW 70.77.170.

(4) "Magazine" means a structure as defined in Section 3302.1 of the International Fire Code.

(5) "Membrane material" means a thin, flexible, impervious material capable of being supported by an air pressure of 1.5 inches of water column (373 Pa).

(6) "Permanent retail or wholesale structure" means an enclosure or shelter erected for a period of thirty days or more used for the sales, at retail or wholesale, of legal fireworks of any kind.

(7) "Permanent storage structure" means a building or other structure used to store any fireworks not authorized within the scope of a retail fireworks stand permit.

(8) "Permit" means a permit as defined in RCW 70.77.180.

(9) "Private way" means any privately owned driveway, lane, access way or similar parcel of land essentially unobstructed from the ground to the sky which serves as access from private property to a public road.

(10) "Public road" means any street or alley essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

(11) "Recognized testing laboratory" means a nationally recognized testing laboratory approved by the state fire marshal.

(12) "Temperature overheat protection" means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit exceeds its designed operating temperature.

(13) "Temporary power drop" means an electrical service connection to a temporary retail fireworks stand.

(14) "Retail fireworks stand" means a structure used for the retail sales of consumer fireworks.

(15) "Temporary storage structure" means a building or other structure used for storage of consumer fireworks directly related to a retail fireworks stand and authorized within the scope of a retail fireworks stand permit.

(16) "Temporary structure" means an enclosure or shelter erected for a period of less than thirty days and not otherwise defined in the International Fire Code as a tent or canopy.

(17) "Tip-over protection" means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit is tipped or tilted more than forty-five degrees from its designed operating position.

(18) "International Building Code" means the edition currently adopted by the state of Washington.

(19) "International Fire Code" means the edition currently adopted by the state of Washington.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21503, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21503, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21505 Retailers of fireworks—General provisions. (1) The state of Washington hereby fully occupies the entire field of regulation relating to the construction and use of temporary and permanent structures for the retail sale and storage of fireworks including: The location of and areas surrounding, the operation of and the cleanup after the use of said structures, pursuant to RCW 70.77.270.

(2) The state of Washington hereby preempts the authority of local jurisdictions with respect to the retail sale and associated storage of consumer fireworks from temporary structures. This rule constitutes the entire and exclusive authority for regulation of all such matters. Subject to the limitations imposed by chapter 70.77 RCW, a city or county may ban fireworks; or a city or county may restrict the dates of sale, purchase, possession and use of fireworks; or a city or

county may restrict the types of fireworks that may be sold and purchased within its boundaries. If a city or county allows the sale of fireworks classified as consumer fireworks from temporary structures these rules preempt that city's or that county's authority to enact or enforce any other regulations.

(3) Except as prescribed by this rule, the use of permanent structures or temporary structures over four hundred square feet for fireworks sales and storage shall be subject to the provisions of the International Fire Code and the International Building Code, and local ordinances.

(4) The use of temporary structures for the temporary sale or storage of consumer fireworks are exempt from the International Building Code, International Fire Code and local ordinances except that where a city or county ordinance regulates the sale or use of fireworks as a part of that city's or that county's building code or fire code, those provisions of that county's or that city's building code or fire code which are not in conflict with this rule are not hereby preempted or affected.

(5) Each license and permit shall be issued and shall remain valid and effective for the thirteen-month period beginning on January 1 of the year in which application is made and ending January 31 of the following year.

(6) Only Division 1.4G consumer fireworks, obtained from state-licensed wholesalers, not otherwise prohibited by chapter 70.77 RCW or local ordinance, and holiday related products incidental but related to these products, may be sold in retail fireworks stands.

(7) Except as limited by local ordinance, fireworks may be sold from 12:00 noon to 11:00 p.m. on June 28 through 9:00 p.m. on July 5. Fireworks may not be sold between the hours of 11:00 p.m. and 9:00 a.m. from June 28 through July 3. Fireworks may not be sold from 12:00 midnight on July 4 through 9:00 a.m. on July 5.

(8) Except as limited by local ordinance, fireworks may be sold from 12:00 noon to 11:00 p.m. on each day from the 27th of December through the 31st of December of each year.

(9) Licensees shall familiarize all persons working in a retail fireworks stand with the provisions of these rules.

(10) Failure to comply at any time with the provisions of this rule or any other applicable regulation shall constitute a violation of chapter 70.77 RCW and may result in the temporary suspension or immediate revocation of the license or permit, closure of the fireworks sales or storage structure, the seizure and/or forfeiture of some or all of the fireworks, and other criminal penalties as specified by law.

(11) The local authority having jurisdiction, with the concurrence of the state fire marshal, is authorized to modify

any of the provisions of WAC 212-17-21509, 212-17-21511, 212-17-21513, 212-17-21515, and 212-17-21517 upon written application by the licensee or a duly authorized representative, where there are practical difficulties in the way of carrying out the provisions of these sections, provided that the spirit of the rule shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be registered with the state fire marshal.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21505, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21505, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21507 Retailers of fireworks—Transportation. When transporting fireworks, licensees shall comply with all federal, state and local transportation requirements, provided that, upon request of the licensee, the local authority having jurisdiction may waive or modify the local transportation requirements. Nothing in these rules shall restrict the right of any person to transport, in a private vehicle, fireworks which have been legally purchased from a retail fireworks licensee.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21507, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21507, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21509 Retailers of fireworks—Location. (1) Activities or uses subject to this rule shall not be limited in location except where such activities or uses are prohibited or controlled by local development regulation, traffic safety or road construction standards.

(2) Temporary retail fireworks stands shall not be located more than one hundred fifty feet from a private way, fire department access road, public road, street or highway as measured by an approved route around the exterior of the stand. The minimum requirements for a private way shall be determined by the local authority having jurisdiction, but shall not exceed the requirements of locally adopted street, road and access standards.

(3) Any two retail fireworks stands shall be at least one hundred feet apart or shall be separated by a road, street or highway not less than thirty feet in width.

(4) Retail fireworks stands shall be located as required by Table 212-17-21509 in this section. The minimum required area surrounding the stand shall be marked or flagged, except that flagging and marking shall not block a sidewalk or pedestrian pathway. Flagging need not exceed twenty feet in any direction.

Retail Fireworks Stands - Minimum Clearances

	Buildings	Combustibles	Property Line	Parking	Motor Vehicle Traffic PUBLIC ROAD*	Motor Vehicle Traffic PRIVATE WAY
BACK OF STAND	20 FT.	20 FT.	5 FT.	20 FT.	20 FT.	5 FT.
SIDE OF STAND	20 FT.	20 FT.	5 FT.	20 FT.	20 FT.	5 FT.
FRONT OF STAND	40 FT. 20 FT.**	40 FT. 20 FT.**	20 FT.	20 FT.	20 FT.	20 FT.

NOTE: Clearance distances are not cumulative

* Measured from the outer edge of the nearest traffic lane.

** If stand is equipped with 135 fusible links which will automatically close all sales doors in case of fire, or is equipped with a wire-mesh screen with openings of not more than one inch which covers not less than 90% of all sales openings.

(5) Retail fireworks stands shall not be located closer than one hundred feet from any motor vehicle dispensing station, retail propane dispensing station, flammable liquid storage, or combustible liquid storage. Retail fireworks stands shall not be located closer than three hundred feet from any bulk storage of flammable or combustible liquid or gas, including bulk plant dispensing areas.

EXCEPTION: 1. Fuel for generators as allowed by WAC 212-17-21513(4).
2. Fuel within the tanks of motor vehicles.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21509, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21509, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21511 Retailers of fireworks—Area around the retail fireworks stand. (1) The minimum areas around the retail fireworks stand specified in WAC 212-17-21509 shall be kept free of accumulation of dry grass, dry brush and combustible debris. No parking shall be permitted within this minimum area.

(2) No motor vehicle or trailer may be parked within twenty feet of a retail fireworks stand except when delivering, loading or unloading fireworks.

(3) Fireworks shall not be discharged within one hundred feet of a retail fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 100 FEET" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on all four sides of the stand.

(4) No smoking shall be allowed within the retail fireworks stand or within the minimum flagged off area. Signs reading "NO SMOKING WITHIN 20 FEET" in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, shall be conspicuously posted on all four sides of the stand.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21511, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21511, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21513 Retailers of fireworks—Stand use and construction. (1) Fireworks may be sold from:

(a) A permanent structure which meets provisions of WAC 212-17-21505(3).

(b) Temporary, stable structures made from wood, metal, fiberglass or other material. Any temporary fireworks retail stand greater than four hundred square feet shall meet the requirements of a permanent structure, except tents or canopies as defined in the International Fire Code.

(c) Tents, canopies, or structures utilizing temporary membrane material. All tents, canopies or temporary membrane materials structures shall be made from fire retardant material or treated with a fire retardant as identified in the International Fire Code. Any tent, canopy or temporary membrane material structure falling within the scope of the International Fire Code shall comply with those requirements. When those requirements are in conflict with other provi-

sions of these rules, the more restrictive provisions shall apply.

(2) Battery powered equipment, electrical equipment and electrical cords which are used in conjunction with a retail fireworks stand or a temporary storage structure or location must be listed by a recognized laboratory and used in accordance with that listing. If electrical power is supplied by an extension cord, the size of the cord, the length of the cord and the amperage and the voltage supplied shall be in compliance with the requirements of the National Electrical Code, current edition. The cord shall be protected as necessary from "drive-over" and other physical damage. No additional permits from a city or county or state official having jurisdiction shall be required for these temporary uses except as specified in subsection (5) of this section.

(3) All heating units shall be listed by a recognized testing laboratory and shall be used in accordance with the listing. Heating sources shall have "tip-over" and temperature overheat protection. All heating devices shall have sealed type elements (i.e., oil filled or water filled radiator type). Open flame heating devices are prohibited.

(4) Generators which use combustible fuel and which are at least twenty feet from the retail fireworks stand or the temporary fireworks storage structure shall be allowed. Generator fuel shall be limited to not more than five gallons and stored at least twenty feet from all stands.

(5) Compliance with the National Electrical Code, current edition, shall be required for all new, permanent electrical installations, including temporary power drops, subject to possible permit fees.

(6) Retail sales of fireworks and other products which are holiday related shall be from buildings used for no other purpose.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21513, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21513, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21515 Retailers of fireworks—Operation of retail fireworks stands. (1) A clear aisle or walkway not less than twenty-four inches wide shall be maintained inside the full length of the structure. Customers shall only be permitted inside a temporary retail fireworks stand that is greater than four hundred square feet and which meets minimum exit requirements of the International Building Code and International Fire Code, as now or amended hereafter.

(2) Each temporary retail fireworks stand must have at least two exits, at least twenty-eight inches in width, located at opposite ends of the structure. Exits must remain unlocked and unobstructed during the hours of operation or when the stand is occupied.

(3) Sleeping inside a retail fireworks stand or an associated temporary fireworks storage facility is prohibited.

(4) The location of the nearest permanently mounted telephone must be posted inside the retail fireworks stand and persons working in the stand shall be informed of that location.

(5) The local emergency telephone number shall be conspicuously posted inside the retail fireworks stand.

(6) Each retail fireworks stand shall be equipped with two approved, pressurized two and one-half gallon water-type fire extinguishers.

(7) No open flames nor any type of open flame equipment shall be allowed in any retail fireworks stand.

(8) Retail fireworks stands shall be secured when unoccupied and not open for business if fireworks are kept in the structure during these times. Retail fireworks stands shall never be locked when occupied. The fireworks may be removed and transferred to a temporary storage structure or location approved as a part of the license and permit.

(9) At least one adult person, eighteen years of age or older shall be present at all times in every retail fireworks stand during the hours of sale to the public and shall be responsible for supervision of the retail fireworks stand and its operation. No person, other than customers, under the age of sixteen shall be allowed within a retail fireworks stand when it is open to the public. Fireworks, except for prepackaged assortments, boxes, or similarly packaged containers of more than one item, whether of the same or different kind, must be displayed in a manner which prevents the fireworks from being handled by the public or a customer without the direct intervention of the licensee or his or her representative who shall maintain visual contact.

(10) Retail fireworks stands may be required to be inspected by the state fire marshal and/or the local jurisdiction issuing the permit prior to opening for business and other inspections may occur on other days as warranted but there shall be no additional charge for all such inspections.

(11) In order to obtain return of a clean-up bond if required by the local authority having jurisdiction as a condition of permit, the cleanup of debris associated with the retail fireworks activity and the removal of all structures authorized by the license and permit shall occur on or before the last day of the storage period specified in these rules.

(12) Fireworks retailers shall not knowingly sell fireworks to persons under the age of sixteen.

(a) A sign reading "no sale of fireworks to persons under the age of sixteen years. PHOTO ID REQUIRED" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on the front of each retail fireworks stand.

(b) Sellers shall require proof of age by means of display of a driver's license or photo identification card showing date of birth issued by a public or private school, state, federal or foreign government. No other forms of identification shall be accepted.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21515, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21515, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21517 Retailers of fireworks—Temporary fireworks storage associated with the retail fireworks stand operation. (1) Temporary fireworks storage is not permanent fireworks storage. Temporary fireworks storage is defined as storage associated with retail fireworks sales and may only be from June 13 through July 31 and from December 12 through January 10 of the following year. Per-

manent fireworks storage is associated with retail or wholesale fireworks activities when the period of time of storage is other than, or longer than that specified for temporary storage. Temporary fireworks storage shall be in accordance with this section. Permanent fireworks storage is subject to the International Fire Code and the International Building Code and local ordinances.

(2) Delivery of fireworks to a location, or storage of fireworks in a facility, not authorized by the license and permit is prohibited. If the approved storage location is outside the jurisdiction issuing the permit, the authority issuing the permit shall notify the appropriate authorities of the jurisdiction in which the storage is to be located.

(3) A temporary fireworks storage facility or a temporary fireworks storage location shall be authorized as a part of a license and permit if it meets the requirements specified herein.

(4) No open flames nor any type of open flame equipment shall be allowed in any temporary fireworks storage structure.

(5) Storage of fireworks authorized by a retail license and permit is legal only during the periods specified in this section.

(6) Fireworks may be stored:

(a) In a locked or secured retail fireworks stand; or

(b) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from the retail fireworks stand during hours of retail sales; or

(c) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from an inhabited building where the term "inhabited building" is defined as in the International Fire Code; or

(d) In a magazine which meets the minimum standards of Type 4 as prescribed by the International Fire Code, and which is not less than ten feet from an inhabited building where the term "inhabited building" is defined as in the International Fire Code; or

(e) In a locked or secured metal or wooden garage, shed, barn or other accessory building, or anything similar which is not less than:

20 feet from an inhabited building for storage of fireworks for one or two retail stands; or

30 feet from an inhabited building for storage of fireworks for three or more stands.

The term "inhabited building" is defined as in the International Fire Code.

(7) The local authority having jurisdiction may reduce the minimum separation requirements of this section provided that safety of life and property is not diminished.

(8) No cooking is permitted in a retail fireworks stand or in a temporary fireworks storage structure.

(9) Temporary fireworks storage structures may be inspected prior to use and other inspections may occur on other days as warranted. There shall be no additional charge for all such inspections.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21517, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21517, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21519 Retailers of fireworks—Cleanup. (1) At the end of the legal selling period, all fireworks must remain in the retail fireworks stand, temporary storage location authorized by the retail permit or another location approved by the local authority having jurisdiction or his or her designee until returned to the suppliers from which they were obtained, or until transferred to an approved location.

(2) Cities and counties may require a clean-up bond, not to exceed five hundred dollars, as a condition of the permit, to ensure the removal of all structures and debris from the site.

(3) In order to obtain return of a clean-up bond, cleanup of debris associated with the retail fireworks activity and the removal of all temporary structures authorized by the license and permit shall be completed no later than 11:59 p.m., July 15 for the Fourth of July selling period or no later than 11:59 p.m., January 10 for the New Year's selling season.

(4) Failure of the licensee to comply with subsection (3) of this section shall constitute forfeiture of the clean-up bond and the licensee shall be liable for any clean-up costs incurred by the city or county which exceed the amount of the bond.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21519, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21519, filed 1/23/98, effective 2/23/98.]

WAC 212-17-220 Pyrotechnic operators—General. Pyrotechnic operators are licensed to conduct public displays of fireworks and articles pyrotechnic. No public display license is issued unless at least one licensed pyrotechnic operator is listed on the application as being responsible for conducting the display.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-220, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-220, filed 11/2/82.]

WAC 212-17-230 Pyrotechnic operators—Examination, investigation and licensing. Upon receipt of application and license fee, the director of fire protection shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If experience requirements are satisfactory, the director of fire protection shall schedule a written examination for the applicant. A passing score of at least eighty percent shall be attained on the written examination. An applicant failing the written examination may reapply within thirty days to retake the examination. No reexamination shall be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination and fails to reapply within thirty days, or fails the examination on the second attempt, is deemed to have forfeited the license fee. All applicants shall submit to a background check through the Washington state patrol criminal records division. Costs for the background check shall be the responsibility of the applicant. The director of fire protection shall grant or deny the license on the basis

of the successful completion of the investigation and examination.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-230, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-230, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-230, filed 11/2/82.]

WAC 212-17-235 Pyrotechnic operators—Responsibility. The pyrotechnic operator shall be responsible for properly setting up the fireworks public display in accordance with the rules and regulations of the director of fire protection. He/she shall determine that all the mortars, set pieces, are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. He/she shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

The pyrotechnic operator shall refuse to fire any fireworks that are deemed by him/her to be unsafe or where its discharge might jeopardize life or property.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-235, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-235, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-235, filed 11/2/82.]

WAC 212-17-250 Public displays of fireworks—Application, state license. Application for fireworks public display license shall be made on forms provided by the director of fire protection and shall be accompanied by the prescribed license fee.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-250, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-250, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-250, filed 11/2/82.]

WAC 212-17-255 Public displays of fireworks—Type of license. A public display license authorizes the applicant to conduct a public display of fireworks at a given location only. A "general" license for public display of fireworks authorizes public displays of fireworks at any locations or dates within the current year.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-255, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-255, filed 11/2/82.]

WAC 212-17-260 Public displays of fireworks—General licenses. Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance. Such bond and public liability insurance shall be noncancelable except upon fifteen days' written notice by the insurer to the director of fire protection.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-260, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-260, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-260, filed 11/2/82.]

WAC 212-17-270 Public displays of fireworks—Local permit, application for. When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

(1) The name of the organization sponsoring the display, if other than the applicant.

(2) The date the display is to be held.

(3) The exact location for the display.

(4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.

(5) The number of set pieces, shells (specify single or multiple break), and other items.

(6) The manner and place of storage of such fireworks prior to the display.

(7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.

(8) Documentary proof of procurement of:

Surety bond;

Public liability insurance; or

A director of fire protection's "general license" for the public display of fireworks.

(9) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-270, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-270, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-270, filed 11/2/82.]

WAC 212-17-275 Public displays of fireworks—Investigation. The officer to whom the application for permit is made shall make, or cause to be made, investigation of site of the proposed display for the purpose of determining if the fireworks will be of such a character or so located as to be hazardous to property or dangerous to any person. He shall also determine whether the provisions of the state fireworks law and these rules and regulations are complied with in the case of a particular display. He shall, in the exercise of reasonable discretion, grant or deny the application subject to reasonable conditions, if any, as he may prescribe, taking into account locations, parking of vehicles, controlling spectators, storage and firing fireworks, and precautions in general against danger to life and property from fire, explosion, and panic.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-275, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-275, filed 11/2/82.]

WAC 212-17-280 Public displays of fireworks—Permits may not be granted, when. No permit shall be granted for any public display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, or other grass covered land.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-280, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-280, filed 11/2/82.]

WAC 212-17-285 Public displays of fireworks—Spectators. Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-285, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-285, filed 11/2/82.]

WAC 212-17-290 Public displays of fireworks—Pyrotechnic operators. No public display permit shall be granted unless at least two experienced pyrotechnic operators are provided, one of whom shall be a licensed pyrotechnic operator. The licensed operator shall:

(1) Be responsible for and have charge of the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming and firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;

(2) Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the authority having jurisdiction and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and/or missiles shall not be permitted to cross or burst above areas occupied by persons;

(3) Be held responsible for acts of his assistants in connection with the display, from delivery to final firing who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person, or any property.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-290, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-290, filed 11/2/82.]

WAC 212-17-295 Public display—General. This section shall apply to the construction, handling, and use of Division 1.3G display or Division 1.4G consumer fireworks intended solely for public display. It shall also apply to the general conduct and operation of the display.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-295, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-295, filed 11/2/82.]

WAC 212-17-300 Public display—Definitions. For the purpose of this section, the following terms shall have the meanings shown:

(1) Assistant. A person who works under the direction of the pyrotechnic operator in charge to put on an outdoor fireworks display. The duties of an assistant include such tasks as: Loading mortars, spotting the bursting location of aerial

shells, tending a ready box, setting up and cleaning the discharge site, igniting fireworks, etc.

(2) Barrage. A rapidly fired sequence of aerial fireworks. Mortars are loaded prior to the display and the aerial shells are chain fused to fire in rapid sequence.

(3) Black match. A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.

(4) Boxed finale. A number of mortars grouped closely together and contained by a suitable frame. The mortars are loaded prior to the display and fused for rapid sequence firing.

(5) Break. An individual effect from an aerial shell; generally either color (stars) or noise (salute). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).

(6) Chain fusing. A series of two or more aerial shells fused so as to fire in sequence from a single ignition. Finales and barrages are typically chain fused.

(7) Colored pot. A paper tube containing pyrotechnic composition that produces a colored flame on ignition. Colored pots are used in the construction of ground display pieces.

(8) Discharge site. The area immediately surrounding the mortars used to fire the aerial shells.

(9) Electric match. A device consisting of wires terminating at a high resistance element surrounded with a small quantity of heat sensitive pyrotechnic composition. When a sufficient electric current is passed through the wire circuit, the heat that is generated ignites the pyrotechnic composition, producing a small burst of flame. This flame can be used to ignite a fuse or a lift charge in a fireworks device.

(10) Electrical firing unit. The source of electrical current used to ignite electric matches. Generally the firing unit will have switches to control the routing of the current to various firework items and shall have test circuits and warning indicators, etc.

(11) Electrical ignition. A technique used to discharge fireworks in which an electric match and source of electric current are used to ignite fuses or lift charges. The electric matches are attached prior to the display, generally with wires connected to an electrical firing unit during the display.

(12) Fallout area. The area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area.

(13) Finale. A rapidly fired sequence (barrage) of aerial fireworks, typically fired at the end of a display. The mortars are loaded prior to the display and the aerial shells are chain fused to fire in rapid sequence.

(14) Finale rack. A row of closely spaced two-inch (51 mm) or three-inch (76 mm) inside diameter, mortars held in a wooden frame. It is similar to a boxed finale.

(15) Fireworks display. An outdoor display of special fireworks performed as entertainment.

(16) Flash powder. Explosive composition intended for use in firecrackers and salutes. Flash powder produces an audible report and a flash of light when ignited. Typical flash powder composition contains potassium chlorate or potassium perchlorate, sulfur or antimony sulfide, and powdered aluminum.

(17) Fusee. A highway distress flare, sometimes used to ignite fireworks at outdoor fireworks displays.

(18) Ground display piece. A pyrotechnic device that functions on the ground (as opposed to an aerial shell which functions in the air). Typical ground display pieces include fountains, roman candles, wheels, "set pieces."

(19) Lance. A thin cardboard tube packed with color-producing pyrotechnic composition used to construct ground display pieces. Lances are mounted on a wooden frame and fused so that ignition of all tubes is simultaneous.

(20) Lift charge. That part of an aerial shell which actually lifts the shell into the air. It usually consists of a black powder charge ignited by a quick match fuse. A delay fuse then ignites the main part of the shell, producing the desired effect.

(21) Manual ignition. A technique used to ignite fireworks using a handheld ignition source such as a fusee or port fire.

(22) Monitor. A person designated by the licensee of the display to keep the audience in the intended viewing area and out of the discharge site and fallout area.

(23) Mortar. A metal or heavy cardboard tube from which aerial shells are fired.

(24) Mortar rack. A strong wooden or metal frame containing closely spaced mortars. Such racks are most often used for barrages and finales, and in electrically ignited displays.

(25) Mortar trough. Above ground structures filled with sand or similar material into which mortars are positioned ready for use in a fireworks display.

(26) Movable ground piece. A ground display piece having movable parts, such as a revolving wheel.

(27) No-fire current. The maximum current that can be applied to an electric match for five seconds at room temperature without the match igniting.

(28) Operator. The licensed pyrotechnician (pyrotechnic operator) responsible for setting up and firing a public fireworks display.

(29) Potential landing area. The area over which shells are fired. The shells will normally burst over this area, but debris and malfunctions will fall into this area; therefore, it must be kept clear of spectators.

(30) Quick match. Black match that is encased in a loose-fitting paper sheath. While exposed black match burns slowly, quick match propagates flame extremely rapidly, almost instantaneously. Quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece.

(31) Safety cap. A paper tube, closed at one end, that is placed over the end of the fuse of an aerial shell to protect it from accidental ignition. The cap is not removed until just before firing of the shell.

(32) Salute. A special firework that is designed to produce a loud report.

(33) Salute powder. A pyrotechnic composition which makes a loud report when ignited and constitutes the sole pyrotechnic mixture in a salute.

(34) Shell (aerial). A cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse, and a black powder lift charge. The shells are most commonly three-inch (76 mm) to six inch (152 mm) outside diameter and are fired from mortars. Upon firing, the fuse and lift charge are consumed.

(35) Stars. Small masses of pyrotechnic compounds that are projected from aerial shells, mines, or roman candles.

(36) Theatrical flash powder. A pyrotechnic composition intended for use in theatrical shows. Theatrical flash powder produces a flash of light when ignited. Typical theatrical flash powder burns more slowly than salute powder and may also produce a shower of sparks. Theatrical flash powder is not intended to produce a loud report.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-300, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-300, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-300, filed 11/2/82.]

WAC 212-17-310 Public display—Storage of shells.

(1) As soon as the fireworks have been delivered to the display site, they shall not be left unattended and shall be kept dry.

(2) All shells shall be inspected upon delivery to the display site by the display operators. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall either be returned to the supplier or be destroyed according to the supplier's instructions.

Exception: Minor repairs to fuses shall be allowed. Also, for electrically ignited displays, attachment of electric matches and other similar tasks shall be permitted.

(3) All shells shall be separated according to diameter and stored in tightly covered containers of metal, wood, or plastic or in fiber drums or corrugated cartons meeting United States Department of Transportation specifications for transportation of fireworks. A flame-resistant tarpaulin shall be permitted to be used as a covering over the containers, if additional protection is desired.

(4) The shell storage area shall be located at a minimum distance of not less than 25 feet (7.6 m) from the discharge site.

(5) During the display, shells shall be stored upwind from the discharge site. If the wind should shift during the display, the shell storage area should be relocated so as to again be upwind from the discharge site.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-310, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-310, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-310, filed 11/2/82.]

WAC 212-17-317 Public display—Electrical firing unit. (1) At no point shall electrical contact be allowed to occur between any wiring associated with the electrical firing unit and any metal object in contact with the ground.

(2) If the electrical firing unit is powered from AC power lines, some form of line isolation shall be employed (e.g., a line isolation transformer).

(3) The electrical firing unit shall include a key operated switch or other similar device that greatly reduces the possibility that unauthorized or unintentional firings can occur.

Exception: When the electrical firing unit is very small in size, and is only in the immediate area and attached to the wire running to electric matches for the brief duration of the actual firing, there is no requirement for a key operated switch.

(4) Manually activated electrical firing units shall be designed such that at least two positive actions must be taken to apply electric current to an electric match. For example, this might be accomplished with two switches in series, both of which must be operated in order to pass current.

(5) Computer activated electrical firing units shall have some form of "dead-man-switch," such that all firings will cease the moment the switch is released.

(6) If the electrical firing unit has a built-in test circuit, the unit shall be designed to limit the test current (into a short circuit) to 0.05 ampere or to twenty percent of the no-fire current of the electric match, whichever is less. Multitesters such as Volt-Ohm Meters shall not be used for testing unless their maximum current delivering potential has been measured and found to meet these requirements.

(7) When any testing of firing circuits is performed, no person shall be allowed to be present in the immediate area of fireworks that have been attached to the electrical firing unit.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-317, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-317, filed 4/19/90, effective 5/20/90.]

WAC 212-17-335 Public display—Firing of shells. (1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.

(2) Shells shall be checked for proper fit in their mortars prior to the display.

(3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.

(4) The operator shall be certain that the shell is properly seated in the mortar.

(5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.

(6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

Exception: Alternatively, electrical ignition may be used.

(7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

Exception: Where electrical ignition is used.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of fifteen minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

Exception: When electrical ignition is used and the firing failure is electrical in nature or the aerial shell was intentionally not fired, the shell may be salvaged by the pyrotechnic operator.

(11) It is the responsibility of the person igniting the aerial shells to detect when a shell does not fire from a mortar. The person shall warn others in the area and shall immediately cause the mortar to be marked to indicate the presence of an unfired aerial shell.

Exception: When electrically firing, it is not necessary to mark the mortar; however, persons entering the area after the fireworks display shall be warned that an unfired shell remains.

(12) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

(13) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

(14) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

(15) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected right after the show and at first light the following morning.

(16) The operator of the display shall keep a record, on a form provided by the director of fire protection, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the director of fire protection. Failures shall also be reported to the supplier.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-335, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-335, filed 4/19/90, effective 5/20/90; 88-08-027 (Order FPS 88-01), § 212-17-335, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-335, filed 11/2/82.]

WAC 212-17-345 Public display—Reports. After every public display, it shall be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a written report to the director of fire protection, within ten days following the display, covering:

(1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

Failure to file this report shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-345, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-345, filed 3/31/88. Statutory

Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-345, filed 11/2/82.]

WAC 212-17-350 Proximate display—Use of proximate before an audience. This section shall provide requirements for the indoor use of pyrotechnics in the performing arts in conjunction with theatrical, musical, or similar productions before a proximate audience, performers, or support personnel. This section shall also apply to any outdoor use of pyrotechnics at distances from the audiences less than those required for public fireworks displays; however, the use of pyrotechnics before a proximate audience shall not be construed as a public display of fireworks as defined in WAC 212-17-295.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-350, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-350, filed 11/2/82.]

WAC 212-17-355 Proximate display—Proximate permit. (1) No permit shall be granted for the use of articles pyrotechnic or special effects unless at least one state licensed pyrotechnician is provided to direct and control the display. The permit applicant shall provide the following:

(a) Name of the person, group, or organization sponsoring the production.

(b) Date and time of day of the production.

(c) Exact location of the production.

(d) Name and license number of the pyrotechnician in charge of firing the pyrotechnic display.

(e) Qualifications of the pyrotechnic operator.

(f) Evidence of the permittee's insurance carrier or financial responsibility.

(g) Number and types of pyrotechnic devices and materials to be used.

(h) Diagram of the grounds or facilities where the production is to be held. This diagram shall show the point at which the pyrotechnic devices are to be fired, the fallout radius of each pyrotechnic device used in the performance, and the lines behind which the audience shall be restrained.

(i) Point of the on-site assembly of pyrotechnic devices.

(j) Manner and place of storage of the pyrotechnic materials and devices.

(k) Certification that the set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy.

(l) Certification that all materials worn by performers in the fallout area during use of pyrotechnic effects shall be inherently flame retardant or have been treated to achieve flame retardancy.

(2) All plans shall be submitted as soon as is possible so that the authority having jurisdiction has time to be present and to notify interested parties. In no event shall such advance notice be less than twenty-four hours.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-355, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-355, filed 11/2/82.]

WAC 212-17-360 Proximate display—Pyrotechnic display plans. (1) Before the performance of any production, the permittee shall submit a plan for the use of pyrotechnics

to the authority having jurisdiction. The approved plan shall be kept at the site for review by the authority having jurisdiction.

(2) Any changes or additions to the performance must receive approval of the authority having jurisdiction.

(3) The plan for the use of pyrotechnics shall be made in writing or such other form as is approved by the authority having jurisdiction.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-360, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-360, filed 11/2/82.]

WAC 212-17-365 Proximate display—Pyrotechnic display demonstrations. A walk through and a representative demonstration of the pyrotechnics shall be approved by the authority having jurisdiction before a permit is approved. (The local authority having jurisdiction may waive this requirement based on past history, prior knowledge, and other factors, provided the local authority having jurisdiction is confident the discharge of pyrotechnics can be conducted safely.)

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-365, filed 5/24/05, effective 6/24/05.]

WAC 212-17-370 Proximate display—Definitions. For the purpose of this section the following definitions are used:

(1) Aerial shell. Usually a cylindrical or spherical cartridge containing pyrotechnic material, a long fuse or electric match wires, and a black powder lift charge.

(2) Airburst. A pyrotechnic device that is suspended in the air to simulate outdoor aerial fireworks shells without producing hazardous debris.

(3) Binary system. A two-component pyrotechnic system.

(4) Black powder. A low explosive consisting of an intimate mixture of potassium or sodium nitrate, charcoal, and sulfur.

(5) Comet. A pellet of pyrotechnic composition that is ignited and propelled from a mortar tube by a charge of black powder.

(6) Concussion effect. A pyrotechnic effect that produces a loud noise and a violent jarring shock for dramatic effect.

(7) Concussion mortar. A device specifically designed and constructed to produce a loud noise and a violent jarring shock for dramatic effect without producing any damage.

(8) Electric match. A device containing a small amount of pyrotechnic material that ignites when a specified electric current flows through the leads. An electric match is used to initiate pyrotechnics. Electric matches are often incorrectly called squibs.

(9) Fallout radius. A line that defines the fallout area of a pyrotechnic device.

(10) Fixed production. Any production performed repeatedly in only one geographic location.

(11) Flare. A pyrotechnic device designed to produce a single source of intense light for a defined period of time.

(12) Flash pot. A device used with flash powder that produces a flash of light and is capable of directing the flash in an upward direction.

(13) Gerb. A cylindrical preload intended to produce a controlled spray of sparks with a reproducible and predictable duration, height, and diameter.

(14) Integral mortar. A preloaded mortar containing pyrotechnic materials and intended for a single firing only.

(15) Lift charge. The composition in a pyrotechnic device that propels the effect into the air when ignited.

(16) Manufacturer. An individual who performs the following:

(a) Prepares any pyrotechnic material; and

(b) Loads or assembles any pyrotechnic device.

(17) Mine. A pyrotechnic device, usually a preload, that projects multiple pellets of pyrotechnic material that produce sparks or flame.

(18) Mortar. A tube or pot-like device used to direct and control the effect of the pyrotechnic material.

(19) Proximate audience. An audience closer to pyrotechnic devices than permitted by WAC 212-17-325.

(20) Pyrotechnic device. Any device containing pyrotechnic materials and capable of producing a special effect as defined in the section.

(21) Pyrotechnic material. (Articles pyrotechnic.) A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation.

(22) Pyrotechnic operator. (Special effects operator.) An individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects.

(23) Pyrotechnic special effect. A special effect created through the use of articles pyrotechnic materials and devices. (See also special effects.)

(24) Pyrotechnics. Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

(25) Rocket. A pyrotechnic device that moves by the ejection of matter produced by the internal combustion of propellants.

(26) Saxon. A pyrotechnic device consisting of a tube that rotates around a pivot point to produce a circular shower of sparks.

(27) Special effect. A visual or audible effect used for entertainment purposes, created exclusively by articles pyrotechnic.

(28) Waterfall, falls, park curtain. An effect of a cascade of sparks usually produced by multiple devices fired simultaneously.

(29) Wheel. A pyrotechnic device that rotates on a central axis consisting of multiple gerbs or rockets attached to a framework.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-370, filed 5/24/05, effective 6/24/05.]

WAC 212-17-375 Proximate display—Transportation of pyrotechnic material. All ingredients, pyrotechnic materials, and pyrotechnic devices shall be transported in accordance with all state and local requirements.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-375, filed 5/24/05, effective 6/24/05.]

WAC 212-17-380 Proximate display—Storage of pyrotechnic materials and WAC devices. All pyrotechnic materials and devices shall be stored in accordance with any state and local regulations. Provisions for lockable storage for pyrotechnics, approved by the authority having jurisdiction, shall be provided.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-380, filed 5/24/05, effective 6/24/05.]

WAC 212-17-385 Proximate display—Separation from heat sources. Pyrotechnic materials and devices shall not be stored within fifty feet of any unprotected source of heat or open flame.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-385, filed 5/24/05, effective 6/24/05.]

WAC 212-17-390 Proximate display—Identification of pyrotechnic devices or binary systems. All pyrotechnic products or binary systems used shall have been identified or marked by the manufacturer with the following information:

- (1) Name of the pyrotechnic device or binary system;
- (2) Name, address, and phone number of the manufacturer;
- (3) Statement describing the conditions of use and potential hazards;
- (4) Manufacturer's statement regarding whether the pyrotechnic device or binary system is intended for indoor use.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-390, filed 5/24/05, effective 6/24/05.]

WAC 212-17-395 Proximate display—General fire protection. (1) Two or more fire extinguishers of the proper classification and size as approved by the authority having jurisdiction shall be readily accessible while the pyrotechnics are being loaded, prepared for firing, or fired.

(2) Fire detection and life safety systems shall not be permitted to be interrupted during the operation of pyrotechnic effects except portions of fire detection and life safety systems may be permitted to be interrupted during the operation of temporarily installed pyrotechnic effects when all of the following conditions are met:

- (a) Approval of the authority having jurisdiction;
- (b) Approval of the owner or owner's representative;
- (c) An approved fire watch capable of directing the operation of all fire detection and life safety systems installed in the building is present.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-395, filed 5/24/05, effective 6/24/05.]

WAC 212-17-400 Proximate display—Firing prerequisites. (1) All pyrotechnic devices shall be mounted in a secure manner to maintain their proper positions and orientations so that, when they are fired, the pyrotechnic effects described in the plan submitted by the permittee are produced.

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(2) Pyrotechnic devices shall be mounted so that no fall-out from the device endangers human lives, results in personal injury, or damages property.

(3) Before firing the pyrotechnic device, the pyrotechnic operator or designated performance security staff shall prevent unauthorized entry into the area where the special effects are to occur.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-400, filed 5/24/05, effective 6/24/05.]

WAC 212-17-405 Proximate display—Firing safeguards. Firing systems shall not be left unattended while connected to loaded pyrotechnic devices.

Pyrotechnic devices shall be fired only when the area where the effect is to occur is in clear view of the pyrotechnic operator, or an assistant who is in direct communication with the operator.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-405, filed 5/24/05, effective 6/24/05.]

WAC 212-17-410 Proximate display—Separation distances from audience. (1) Each pyrotechnic device fired during a performance shall be separated from the audience by at least fifteen feet, but not by less than twice the fallout radius of the device.

(2) Concussion mortars shall be separated from the audience by at least twenty-five feet.

(3) There shall be no glowing or flaming particles within ten feet of the audience.

(4) No smoking is permitted within twenty-five feet of the area where pyrotechnics are being handled or fired.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-410, filed 5/24/05, effective 6/24/05.]

WAC 212-17-415 Proximate display—Performance.

(1) The pyrotechnic effect operator shall advise all performers and support personnel that they are exposed to a potentially hazardous situation when performing or otherwise carrying out their responsibilities in the vicinity of a pyrotechnic effect.

(2) Immediately before any performance, the pyrotechnic operator shall make a final check of wiring, position, hookups, and pyrotechnic devices to ensure that they are in proper working order. The pyrotechnic operator also shall verify safety distances.

(3) When pyrotechnics are fired, the quantity of smoke developed shall be controlled so as not to obscure the visibility of exit signs or paths of egress.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-415, filed 5/24/05, effective 6/24/05.]

WAC 212-17-420 Proximate display—After the performance. (1) The pyrotechnic operator shall verify that all pyrotechnic devices have been fired. Any unfired materials or devices shall either be fired or disposed of in accordance with the manufacturer's recommendations.

(2) Life safety and other systems that have been disarmed or disengaged shall be restored to normal operating condition as soon as the likelihood of false alarms from the use of pyrotechnics has passed.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-420, filed 5/24/05, effective 6/24/05.]

WAC 212-17-425 Transportation—General. Licensees are authorized to transport the class and quantity of fireworks for which they have a license to possess from the point of acceptance from a licensed source to an approved storage facility or use site. Transportation shall be in accordance with the regulations of the United States Department of Transportation and the laws of the state of Washington governing the transportation of Division 1.3G and 1.4G explosives.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-425, filed 5/24/05, effective 6/24/05.]

WAC 212-17-430 Transportation—By common carrier. No common carrier, as defined in RCW 81.29.010, shall deliver fireworks from an out-of-state shipper to any person or firm within this state without first determining that the person or firm possesses an importer's license, issued by the director of fire protection to receive them, or the shipper has an importer's license, issued by the director of fire protection to ship them into this state.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-430, filed 5/24/05, effective 6/24/05.]

WAC 212-17-435 Storage—General. Storage of fireworks shall be free from any condition which increases or may cause an increase of the hazard or menace of fire or explosion or which may obstruct, delay or hinder, or may become the cause of any obstruction, delay or hindrance, to the prevention or extinguishment of fire.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-435, filed 5/24/05, effective 6/24/05.]

WAC 212-17-440 Storage—Explosive safety. Any person storing fireworks shall have a license for the possession (manufacturer, wholesaler, importer, retailer, display) and, in addition, a permit from the local fire authority for the storage site. Storage shall be in accordance with requirements of the local fire official, who may use the safety practices in the appendix of these rules as guidelines in approving the storage permit.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-440, filed 5/24/05, effective 6/24/05.]

WAC 212-17-445 Storage—By common carrier. No common carrier shall store fireworks while in transit within a building without first obtaining a storage permit from the local fire authority.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-445, filed 5/24/05, effective 6/24/05.]

WAC 212-17-450 Fines and penalties. (1) These rules establish the basis and process by which citations and penalties will be determined and issued for violations of chapters 70.77 RCW and 212-17 WAC.

(2) Each violation(s) is classified and penalty(ies) assessed according to violation type and instance.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-450, filed 5/24/05, effective 6/24/05.]

WAC 212-17-455 Definitions. (1) "Citation" means a document issued by the office of the state fire marshal pursuant to chapter 70.77 RCW to issue a civil penalty for a violation of RCW 70.77.480 through 70.77.520. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(2) "Formal hearing" is a hearing before a hearings officer where the laws, rules, and evidence are presented, considered, and a proposed opinion issued.

(3) "Hazard" means a condition which could result in fire loss injury or damage to a person or property.

(4) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

(5) "Instance" means the number of times a person has been cited. These are identified as 1st, 2nd, and 3rd instances.

(6) "Local fire authority" means the local fire official having authority.

(7) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

(8) "Type" means the classification of violation, i.e., least, minimal, moderate, or severe. These are identified as Type I, II, III, or IV.

(9) "Violation types" shall mean:

(a) "Least violation" means a Type I Violation which poses very little hazard or threat;

(b) "Minimal violation" means a Type II Violation which poses a minor hazard or threat;

(c) "Moderate violation" means a Type III Violation which poses a significant hazard or threat;

(d) "Severe violation" means a Type IV Violation which poses a substantial hazard or threat.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-455, filed 5/24/05, effective 6/24/05.]

WAC 212-17-460 General rules. (1) These rules establish civil penalty criteria for Types I, II, III, and IV Violations and the instances for each type of violation.

(2) These rules apply to persons who violate the requirements of chapters 70.77 RCW and/or chapter 212-17 WAC.

(3) Each separate instance of noncompliance with chapters 70.77 RCW and/or 212-17 WAC shall be considered a separate violation.

(4) Each day that a violation continues shall be considered a separate violation.

(5) The distribution, sale, use, manufacture, or possession of any amount of illegal fireworks is prohibited and subject to citation and penalty.

(6) In addition to the issuance of citations and penalties under these rules, the state fire marshal and local fire marshal acting in accordance with chapters 70.77 RCW and/or 212-17 WAC:

(a) May confiscate any amount of illegal fireworks; and

(b) May confiscate other fireworks possessed by persons violating chapters 70.77 RCW and/or 212-17 WAC.

(7) In addition to the issuance of citations, penalties, and the confiscation of fireworks, the state fire marshal may also revoke, suspend, or deny any fireworks license provided for

under chapter 70.77 RCW to any person who fails to pay a penalty(ies) assessed under these rules.

(8) The penalty for each violation shall range from \$0 to \$1,000 per day and occurrence.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-460, filed 5/24/05, effective 6/24/05.]

WAC 212-17-465 Violation types and penalty assessments. (1) Penalties shall be assessed according to violation type.

(2) The types of violations are:

- (a) Least—Type I;
- (b) Minimal—Type II;
- (c) Moderate—Type III;
- (d) Severe—Type IV.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-465, filed 5/24/05, effective 6/24/05.]

WAC 212-17-470 Violation assessment at the local level. (1) Local fire authorities shall have the authority to issue civil penalty citations for violations of chapters 70.77 RCW and/or 212-17 WAC.

(2) A citation may impose a penalty or provide a warning.

(3) The citation shall be forwarded to the office of the state fire marshal within ten days of issuance. Where possible, each citation shall be accompanied by a copy of the issuing authority's written report, inspection sheets, evidence receipt, or any other forms that are completed during the process of issuing citations.

(4) The office of the state fire marshal shall issue a notice of civil penalty based upon the information contained in the citation and any accompanying documentation.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-470, filed 5/24/05, effective 6/24/05.]

WAC 212-17-475 Hearings. (1) Any person may request a hearing regarding the assessment of a civil penalty.

(2) Hearings requests shall be filed with the office of the state fire marshal within fourteen days from the date of the service of civil penalty.

(3) Any person who requests a hearing shall be entitled to a hearing.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-475, filed 5/24/05, effective 6/24/05.]

WAC 212-17-480 Informal conference. (1) The office of the state fire marshal will provide an opportunity for a person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing; however, a formal hearing shall be requested within twenty-eight days of the date of service of the notice of civil penalty.

(3) The request for an informal conference may be in any form; and

- (a) Shall be addressed to the office of the state fire marshal; and
- (b) Shall clearly state the subject to be discussed.

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(c) An informal conference concerning civil penalties shall not exceed the fourteen days allowed for filing a formal hearing request.

(d) If the parties agree, an informal conference may be held by telephone.

(e) As the result of an informal conference, the state fire marshal may, for good cause, amend, withdraw, or reduce a civil penalty.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-480, filed 5/24/05, effective 6/24/05.]

WAC 212-17-485 Formal hearing. (1) A person may request a formal hearing at any time before or after an informal conference, as long as the twenty-eight day period for requesting a hearing has not lapsed.

(2) The office of the state fire marshal will arrange for a hearings officer to conduct the formal hearing.

(3) The office of the state fire marshal will set a date, time, and location for the formal hearing.

(4) The office of the state fire marshal will notify, by letter, the person requesting the hearing (or their designated representative) of the date, time, location and the hearings officer conducting the formal hearing.

(5) The hearings officer will hear the case and render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapter 34.05 RCW.

(6) The formal hearing shall be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person that requested the hearing to be represented by legal council.

(c) Testimony shall be taken under oath.

(d) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(e) Hearsay evidence is admissible if it meets statutory standards for being reliable and trustworthy.

(7) The proposed opinion and order shall be reviewed by the state fire marshal and, if accepted, finalized and issued as a final order.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-485, filed 5/24/05, effective 6/24/05.]

WAC 212-17-490 Penalty adjustment. (1) The assessment of adjustment of penalties for amounts other than those set by chapter 70.77 RCW shall be done only by the state fire marshal through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapters 70.77 RCW and/or 212-17 WAC may be made only after considering:

(a) The gravity and magnitude of the violation;

(b) The person's previous record;

(c) Such other considerations as the state fire marshal may consider appropriate.

(3) During a formal hearing or informal conference, the office of the state fire marshal may modify or adjust the citation, cited violations, or penalties assessed in order to meet the requirements of these rules and to ensure uniformity and consistency in their application statewide.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-490, filed 5/24/05, effective 6/24/05.]

WAC 212-17-495 Payment of civil penalty. (1) The penalty shall be paid to the office of the state fire marshal immediately after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) The attorney general may bring an action in the name of the Washington state patrol, through the director of fire protection, in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 70.77 RCW.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-495, filed 5/24/05, effective 6/24/05.]

WAC 212-17-500 Type I violations. (1) Type I violations are subject to penalties ranging from a warning to seventy-five dollars per day depending upon the instance and in accordance with WAC 212-17-390.

(2) Examples of Type I violations include, but are not limited to:

- (a) Failure to post "no smoking" signs at the retail fireworks stand;
- (b) Failure to provide required fire extinguishing equipment at the retail fireworks stand;
- (c) Failure to maintain a clean, orderly area within twenty feet of the retail sales area;
- (d) Failure to keep a copy of the retail fireworks stand license at the retail stand while the stand is open;
- (e) Possession of illegal fireworks worth less than fifty dollars.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-500, filed 5/24/05, effective 6/24/05.]

WAC 212-17-505 Type II violations. (1) Type II violations are subject to penalties ranging from a warning to one hundred fifty dollars per day depending upon the instance and in accordance with WAC 212-17-390.

(2) Examples of Type II violations include, but are not limited to:

- (a) Failure to have a person eighteen years of age or over inside the retail stand during business hours;
- (b) Possession of more than fifty dollars but less than one hundred dollars of illegal fireworks;
- (c) Discharge of less than fifty dollars worth of illegal fireworks;
- (d) Smoking or the ignition of fireworks within fifty feet of any fireworks stand.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-505, filed 5/24/05, effective 6/24/05.]

WAC 212-17-510 Type III violations. (1) Type III violations are subject to penalties ranging from seventy-five dollars to two hundred fifty dollars per day depending upon instance and in accordance with WAC 212-17-390.

(2) Examples of Type III violations include, but are not limited to:

- (a) Possession of one hundred dollars or more of illegal 1.4G fireworks.
- (b) Sale of any amount of illegal 1.4G fireworks without the necessary licenses issued by the office of the state fire

marshal and/or, where required, a permit from the local authority having jurisdiction.

(c) The purchase of fireworks by a Washington state retail fireworks stand operator from an unlicensed wholesaler.

(d) Manufacturing or altering fireworks without the necessary state license and local permit.

(e) Storage of any amount of 1.3G fireworks without the necessary license issued by the office of the state fire marshal and a permit from the local authority having jurisdiction.

(f) Use of fireworks in a manner that presents a danger to life or property.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-510, filed 5/24/05, effective 6/24/05.]

WAC 212-17-515 Type IV violations. (1) Type IV violations are subject to penalties ranging from one hundred twenty-five dollars to one thousand dollars per day depending on instance and in accordance with WAC 212-17-390.

(2) Examples of Type IV violations include, but are not limited to:

- (a) Possession of fifty dollars or more of 1.3G fireworks without the necessary license issued by the office of the state fire marshal and the required permit from the local authority having jurisdiction;
- (b) Conducting a public fireworks display without the necessary license issued by the office of the state fire marshal and the required permit from the local authority having jurisdiction;
- (c) Purchase of any amount of 1.3G fireworks without the necessary licenses issued by the office of the state fire marshal and/or, where required, the local authority having jurisdiction;
- (d) Conducting a public display using illegal or unauthorized fireworks;
- (e) Intentional or indiscriminate use of fireworks which injure someone or cause more than two hundred fifty dollars in property damage;
- (f) Wholesale sales of fireworks without a valid Washington state wholesalers license;
- (g) Importing, or causing to be imported, fireworks into the state of Washington without a valid Washington state importers license.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-515, filed 5/24/05, effective 6/24/05.]

WAC 212-17-900 Appendix. This appendix is not a part of this rule but is included to provide guidelines, based on nationally-recognized standards, for use by licensees in establishing safe practices involving the manufacture or storage of fireworks and for use by local fire officials in determining compliance with safety standards for the purpose of issuing permits for fireworks manufacture or storage.

In addition to the definitions in chapter 70.77 RCW and this rule, the following definitions apply to this appendix:

Barricade. A natural or artificial barrier that will effectively screen a magazine, building, railway, or highway from the effects of an explosion in a magazine or building containing explosives. It shall be of such height that a straight line from the top of any sidewall of a building or magazine containing explosives to the cave line of any magazine, or build-

ing, or to a point twelve feet above the center of a railway or highway, will pass through such natural or artificial barrier.

Natural barricade. Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine or building containing explosives when the trees are bare of leaves.

Artificial barricade. An artificial mound or revetted wall of earth of a minimum thickness of three feet.

Breakaway construction. A general term which applies to the principle of purposely providing a weak wall so that the explosive effects can be directed and minimized. The term "weak wall" as used in this code refers to a weak wall, weak wall and roof, or weak roof.

The term "weak wall" is used in a relative sense as compared to the construction of the entire building. The design strength of a "weak wall" will vary as to the building construction, as well as to the type and quantity of explosive or pyrotechnic materials in the building. The materials used for "weak wall" construction are usually light gauge metal, plywood, hardboard or equivalent lightweight material, and the material is purposely selected to minimize the danger from flying missiles. Method of attachment of the weak wall shall be such as to aid the relief of blast pressure and fireball.

Fireworks plant. Means all lands, and buildings thereon, used for or in connection with the manufacture or processing of fireworks. It includes storage buildings used with or in connection with plant operation.

Highway. Means any public street, public alley or public road.

Inhabited building. Means a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, and storage of explosive materials or fireworks.

Magazine. Means any building or structure, other than a manufacturing building, meeting the requirements specified in chapter 3 of this code.

Manufacture of fireworks. Means the preparation of fireworks mixes and the loading and assembling of all fireworks, except pyrotechnic display items made on-site by qualified personnel for immediate use when such operation is otherwise lawful.

Mixing building. Means any building used primarily for mixing and blending pyrotechnic composition, excluding wet sparkler mixes.

Motor vehicle. Means any self-propelled passenger vehicle, truck, tractor, semitrailer, or truck-full trailer used for the transportation of freight over public highways.

Nonprocess building. Means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive compositions are processed or stored.

Person. Means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

Process building. Means any mixing building, any building in which pyrotechnic or explosive composition is pressed or otherwise prepared for finishing and assembling, or any finishing and assembling building, including a building used for preparation of fireworks for shipment. If a pyrotechnic or explosive composition while in the state of processing is stored in a process building, the building is classified as a process building. See also storage building.

Public conveyance. Means any vehicle carrying passengers for hire.

Pyrotechnic composition. Means a chemical mixture which on burning and without explosion produces visible or brilliant displays or bright lights, or whistles.

Railway. Means any steam, electric, diesel electric or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives or fireworks are stored or where fireworks manufacturing buildings are situated.

Screen type barricade. Means any of several barriers for containing embers and debris from fires and deflagrations in process buildings that could cause fires and explosions in other buildings. Screen type barricades are constructed of metal roofing, one-quarter-inch and one-half-inch mesh screen or equivalent material. A screen type barricade extends from the floor level of the donor building to such height that a straight line from the top of any side wall of the donor building to the cave line of the acceptor building will go through the screen at a point not less than five feet from the top of the screen. The top five feet of the screen are inclined at an angle of between 30 and 45 degrees, toward the donor building.

Squib. Means a device containing a small quantity of ignition compound in contact with a bridge wire.

Storage building. Means any building, structure, or facility in which Division 1.4G, 1.5G or 1.6G fireworks in any state of processing, or finished Division 1.4G, 1.5G, or 1.6G fireworks are stored, but in which no processing or manufacturing is performed.

Warehouse. Means any building or structure used exclusively for the storage of materials, except fireworks or combustible or explosive compositions used to manufacture fireworks.

PART I MANUFACTURING OPERATIONS

1. General

11. All fireworks plants shall comply with the requirements of this section except that those plants that meet all of the conditions of the following paragraphs a, b and c need not comply with Articles 2 and 6:

a. Making only customized fireworks not for general sale.

b. Having not more than five pounds of explosive composition, including not more than one-half pound of initiating explosive, in a building at one time.

c. All explosive and pyrotechnic compositions are removed to an appropriate storage magazine at the end of each work day.

2. Building site security

21. All fireworks plants shall be completely surrounded by a substantial fence having a minimum height of six feet. All buildings, except office buildings in which no processing or storage is permitted, must be located within the fence. All openings in the fence shall be equipped with suitable gates which shall be kept securely locked at all times, except when in actual use; except that the main gate of the plant may be left open during the regular hours of plant operation while in plain view of and under observation by authorized responsible employees or guards. Conspicuous signs indicating "WARNING—NO SMOKING—NO TRESPASSING" shall be posted along the plant fence at intervals not to exceed 500 feet.

22. No person other than authorized employees or representatives of departments of Federal, state, or political subdivisions of the state governments having jurisdiction over the establishment shall be allowed in any fireworks plants, except by special permission secured from the plant office.

3. Separation distances

31. All process buildings shall be separated from inhabited buildings, public highways and passenger railways in accordance with Table 1.

32. The separation distance between process buildings shall be in accordance with Table 2.

33. Separation distances of nonprocess buildings from process buildings and magazines shall be in accordance with Table 2.

34. Separation of magazines containing black powder or salutes classified as Division 1.3G fireworks from inhabited buildings, highways, and other magazines containing black powder or salutes classified as Division 1.3G fireworks shall be in accordance with Table 3.

4. Building construction

41. Process buildings, except buildings in which customers' orders are prepared for shipment, shall embody break-away construction. The exterior of process buildings constructed after this Code is adopted shall be constructed of materials no more combustible than painted wood.

42. No building shall have a basement or be more than one story high. Interior wall surfaces and ceilings of buildings shall be smooth, free from cracks and crevices, noncombustible, and with a minimum of horizontal ledges upon which dust may accumulate. Wall joints and openings for wiring and plumbing shall be sealed to prevent entry of dust. Floors and work surfaces shall not have cracks or crevices in which explosives or pyrotechnic compositions may lodge.

43. Mixing and pressing buildings shall have conductive flooring, properly grounded.

44. The number and location of exits in buildings in which fireworks are being processed shall comply with a, b and c.

a. From every point in every undivided floor area of more than one hundred square feet there shall be at least two exits accessible in different directions. Where building floors are divided into rooms, there shall be at least two ways of escape from every room of more than one hundred square feet; toilet rooms need have only one exit and shall be so located that the points of access thereto are away from or suitably shielded from fireworks processing areas.

b. Exits shall be so located that it will not be necessary to travel more than twenty-five feet from any point to reach the nearest exit. The routes to the exits shall be unobstructed.

c. Exit doors shall open outward, and shall be capable of being pressure-actuated from the inside.

5. Heat, light, electrical equipment

51. No stoves, exposed flames, or electric heaters may be used in any part of a building except in a boiler room, machine shop, office building, pumphouse, or lavatory in which the presence of fireworks, fireworks components, or flammable liquids are prohibited. Heating shall be by means of steam, indirect hot air radiation, hot water, or any other means approved by local authorities. Unit heaters, located inside buildings that at any time contain explosive or pyrotechnic composition, shall be equipped with motors and switches suitable for use in Class II, Division 1 locations.

52. Where artificial lighting is required in fireworks processing buildings it shall be by electricity. Temporary or loose electrical wiring shall not be used. Extension lights are prohibited except that during repair operations approved portable lighting equipment may be used after the area has been cleared of all pyrotechnic or explosive composition and after all dust has been removed by washing down.

53. All wiring in process buildings shall be in rigid metal conduit or be Type MI cable. The wiring, lighting fixtures, and switches shall comply with the requirements for Class II, Division 1 locations in Article 502 of the National Electrical Code, 1981 Edition.

54. Wiring, switches, and fixtures in storage buildings shall comply with the requirements for Class II, Division 2 locations in Article 502 of the National Electrical Code, 1981 Edition.

55. All presses and other mechanical devices shall be properly grounded.

56. A master switch shall be provided at the point where electric current enters the plant, which will, upon being opened, immediately cut off all electric current to the plant, except that to emergency circuits such as a supply to a fire pump or emergency lighting.

6. Maximum building occupancy and quantities of explosive or pyrotechnic compositions permitted

61. The number of occupants in each process building and magazine shall be limited to that number necessary for the proper conduct of those operations.

Note: This requirement is for purposes of minimizing personnel exposure and is distinct from any requirement on maximum building occupancy that may be in the local building code.

62. The maximum number of occupants permitted in each process building and magazine shall be posted in a conspicuous location.

63. No more than 500 pounds of pyrotechnic and explosive composition shall be permitted at one time in any mixing building or any building in which pyrotechnic and explosive compositions are pressed or otherwise prepared for finishing and assembling.

64. No more than 500 pounds of pyrotechnic and explosive composition shall be permitted in a finishing and assembling building at one time.

7. Fire, explosion prevention

71. All buildings shall be kept clean, orderly, and free from accumulation of dust or rubbish. Powder or other explosive or pyrotechnic materials, when spilled, shall be immediately cleaned up and removed from the building.

72. Rags, combustible, pyrotechnic or explosive scrap, and paper shall be kept separate from each other and placed in approved marked containers. All waste and reject hazardous material shall be removed from all buildings daily and removed from the plant at regular intervals and destroyed by submersion in water or by burning in a manner acceptable to local authorities.

73. No smoking or carrying of lighted pipes, cigarettes, cigars, matches, lighters, or open flame, is permitted within the plant fence; except that smoking may be permitted in office buildings or buildings used exclusively as lunchrooms or rest rooms and in which the presence of fireworks or any explosive composition is prohibited. Authorized smoking locations shall be so marked, contain suitable receptacles for cigarette and cigar butts and pipe residue, and contain at least one serviceable fire extinguisher suitable for use on Class A fires. Persons whose clothing is contaminated with explosives, pyrotechnic, or other dangerous materials to the degree that may endanger the safety of personnel shall not be permitted in smoking locations.

74. Matches, cigarette lighters or other flame-producing devices shall not be brought into any process building or magazine.

75. No employee or other person shall enter or attempt to enter any fireworks plant with liquor or narcotics in his possession, or while under the influence of liquor or narcotics, or partake of intoxicants or narcotics or other dangerous drugs while in a fireworks plant.

76. All persons working at or supervising the operations in fireworks mixing and pressing buildings shall be provided with, and wear, cotton working uniforms. In addition, conductive shoes and cotton socks shall be required for all Division 1.3G fireworks operations and all mixing, pressing, loading, and matching related to Division 1.4G, 1.5G or 1.6G fireworks. Facilities for changing into these uniforms, and safekeeping for the employees' street clothes shall be provided. The uniforms shall be frequently washed, to prevent accumulation of explosive or other pyrotechnic compounds, and shall not be worn outside the fireworks plant. Washing and shower facilities for employees shall be provided. All persons working in or supervising the operations in a process building shall wear protective clothing and eye protection as needed. All persons working in or supervising mixing areas shall wear respirators when the situation dictates their need.

77. Each fireworks plant shall have an employee designated as safety officer. All employees of a fireworks plant, upon commencing employment and at least annually thereafter, shall be given formal instruction by this safety officer, regarding proper methods and procedures in fireworks plants and safety requirements and procedures for handling explosives, pyrotechnics and fireworks.

78. In areas where there is a danger of ignition of materials by sparks, properly maintained and nonferrous safety hand tools shall be used.

79. In no case shall oxidizers such as nitrates, chlorates, or perchlorates be stored in the same building with combusti-

ble powdered materials such as charcoal, gums, metals, sulfur, or antimony sulfide.

8. Testing fireworks

81. Testing of fireworks and components of fireworks shall be performed in an area set aside for that purpose and located at a safe distance, considering the nature of the materials being tested, from any plant building or other structure.

9. Fire extinguishers; emergency procedures

91. Fire extinguishers shall be provided in all buildings except those in which pyrotechnic mixtures are exposed. The number and location of extinguishers shall be in accordance with the requirements of the local fire official.

92. Emergency procedures shall be formulated for each plant which will include personnel instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

93. Emergency procedures shall include instruction in the use of portable fire extinguishers and instructions on the type of fires on which they may and may not be used.

a. The employees shall be told that if a fire is involving or is in danger of spreading to pyrotechnic mixtures, they are to leave the building at once and follow prescribed procedures for alerting other employees.

b. Extinguishers may be used on fires involving ordinary combustible materials, if the fire can be fought and extinguished without exposing pyrotechnic mixtures.

PART II

STORAGE OF DIVISION 1.3G FIREWORKS

1. General provisions

11. Division 1.3G fireworks shall be stored in magazines that meet the requirements of this section.

12. Division 1.3G fireworks shall be stored in magazines unless they are in process of manufacture, being physically handled in the operating process, being packaged or being transported.

13. Magazines required by this section shall be constructed in accordance with Articles 2 and 3.

14. Division 1.3G fireworks that are bullet-sensitive, shall be stored in Type 1, 2, or 3 magazines.

a. Black powder, and Division 1.3G fireworks that are not bullet-sensitive shall be stored in a Type 1, 2, 3, or 4 magazine.

15. Magazines containing black powder shall be separated from inhabited buildings, passenger railways, and public highways, and other magazines in accordance with Table 3.

16. Magazines containing Division 1.3G fireworks shall be separated from inhabited buildings, passenger railways and public highways in accordance with Table 1.

17. Magazines containing Division 1.3G fireworks shall be separated from other magazines and from fireworks plant buildings by barricades or screen-type barricades and the distances from other magazines and process buildings shall be in accordance with Table 2.

2. Construction of magazines—general

21. Magazines shall be constructed in conformity with the provisions of this section or may be of substantially equivalent construction.

22. The ground around magazines shall be graded in such a manner that water will drain away from the magazines.

23. Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building, or air directed into the magazine building over either hot water or low pressure steam (15 psig maximum) coils located outside the magazine building.

24. The magazine heating systems shall meet the following requirements:

1. The radiant heating coils within the building shall be installed in such a manner that the fireworks containers cannot contact the coils and air is free to circulate between the coils and the fireworks.

2. The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the fireworks or fireworks containers.

3. The heating device used in connection with a magazine shall have controls that prevent the ambient building temperature from exceeding 130°F.

4. The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

5. The electric fan motor and the controls for an electrical heating device used in heating water or steam shall have overloads and disconnects, which comply with the I.C.C. Electrical Code, 2003. All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

6. The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electric and 50 feet when fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

7. The storage of fireworks and fireworks containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the stored materials.

25. When lights are necessary inside the magazine, electric safety flashlights or electric safety lanterns shall be used.

a. The authority having jurisdiction may authorize interior lighting of special design for magazines provided that adequate safety is maintained.

26. When ventilation is required in a magazine, sufficient ventilation shall be provided to protect the stored materials in storage for the specific area in which the magazine is located. Stored materials shall be so placed in the magazine as not to interfere with ventilation and shall be stored so as to prevent contact with masonry walls or with any steel or other ferrous metal by means of a nonsparking lattice or equivalent lining.

3. Construction of magazines

31. Type 1 magazine. A Type 1 magazine shall be a permanent structure such as a building or an igloo that is bullet-resistant, fire-resistant, theft-resistant, weather-resistant, and ventilated.

a. Walls. Examples of wall construction considered suitable for Type 1 magazines are:

1. Hollow masonry block construction with 8-inch blocks having the hollow spaces filled with well-tamped dry sand or a well-tamped cement/sand mixture.

2. Brick or solid cement block construction 8 inches thick.

3. Wood construction covered with 26-gauge metal having 3/4-inch plywood or wood sheathing with a 6-inch space between the exterior and interior sheathing and the space between the sheathing filled with well-tamped dry sand or well-tamped cement/dry sand mixture, with not less than 1-to-8 ratio of cement to sand.

4. Fourteen-gauge metal construction lined with 4 inches of brick, solid cement block or hardwood; or filled with 6 inches of sand.

b. Doors. Examples of door construction considered suitable for Type 1 magazines are:

1. Steel plate 3/8-inches thick lined with four layers of 3/4-inch tongue and groove hardwood flooring.

2. Metal plate not less than 14 gauge lined with four inches of hardwood.

c. Roof. The roof of a Type 1 magazine may be constructed of metal not less than 14 gauge; or 3/4-inch wood sheathing covered by metal not less than 26 gauge or other noncombustible roofing material. All exposed wood on the exterior including the eaves shall be protected by metal not less than 26 gauge.

d. Ceiling. Where the natural terrain around a Type 1 magazine makes it possible to shoot a bullet through the roof at such an angle that a bullet could strike the explosives stored in the magazine, then either the roof or the ceiling shall be of bullet-resistant construction. A bullet-resistant ceiling may be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. Examples of ceiling construction that are considered bullet-resistant are:

1. A tray having a depth of not less than 4 inches of sand.

2. A hardwood ceiling not less than 4 inches thick.

e. Foundation. The foundation may be of masonry, wood, or metal and shall be completely enclosed except for openings to provide cross ventilation. A wooden foundation enclosure shall be covered on the exterior with not less than 26-gauge metal.

f. Floor. The floor may be constructed of wood or other suitable floor materials. Floors constructed of materials that may cause sparks shall be covered with a surface of non-sparking material or the packages of explosives shall be placed on pallets of nonsparking material. Magazines constructed with foundation ventilation shall have at least a 2-inch air space between the side walls and the edge of the floor.

g. Ventilation. Type 1 magazines shall be ventilated to prevent dampness and heating of stored explosives. Ventilating openings shall be screened to prevent the entrance of sparks. Ventilators in side walls shall be offset or shielded. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floor and between the side walls and the ceiling shall have constructed a wooden lattice lining or equivalent to prevent the packages of explosives from being stacked against the side walls and blocking the air circulation.

h. Locks. Each door of a Type 1 magazine shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock; or with a mortise lock that

requires two keys to open; or a three-point lock, or equivalent type of lock that secures a door to the frame at more than one point. Padlocks shall be steel having at least five tumblers and at least a 7/16-inch-diameter case-hardened shackle. All padlocks shall be protected by steel hoods that are installed in a manner to discourage insertion of bolt cutters. Doors that are secured by a substantial internal bolt do not require additional locking devices. Hinges and hasps shall be securely fastened to the magazine and all locking hardware shall be secured rigidly and directly to the door frame.

32. Type 2 magazine. A Type 2 magazine shall be a portable or mobile structure, such as a box, skid-magazine, trailer or semitrailer, that is fire-resistant, theft-resistant, weather-resistant, and ventilated. It shall also be bullet-resistant except when used for indoor storage.

a. Type 2 outdoor box magazine

1. The sides, bottom, top and covers or doors of Type 2 outdoor box magazines shall be constructed of metal, lined with at least 4 inches of hardwood or equivalent bullet-resistant material. The floor shall be of wood or other suitable nonsparking floor materials. Floors constructed of ferrous metal shall be covered with a surface of nonsparking material. Magazines with top opening shall have a lid that overlaps the sides by at least 1 inch when in closed position.

2. Type 2 outdoor box magazines shall be supported in such a manner as to prevent the floor from having direct contact with the ground. Small magazines shall be securely fastened to a fixed object to prevent theft of the entire magazine.

3. Hinges, hasps, locks, and locking hardware shall conform to the provisions for Type 1 magazines as specified in paragraph 31(h).

b. Type 2 vehicular magazine

1. The sides and roof shall be not less than 20 gauge metal. The walls shall be lined with 4 inches of brick or solid cement block or hardwood, or 6 inches of sand, or other bullet-resistant material. The exposed interior walls may be lined with wood. The roof shall be protected by a bullet-resistant ceiling meeting the construction requirements for bullet-resistant ceilings in paragraph 31(d).

2. The doors shall be of metal, lined with not less than 4 inches of hardwood, or a metal exterior with a hardwood inner door not less than 4 inches in thickness.

3. The floors shall be in accordance with the provisions for Type 1 magazines in paragraph 31(f).

4. The doors shall be locked with at least two padlocks for each door opening, either two padlocks on the exterior door fastened on separate hasps and staples or one padlock on the exterior door and one padlock on the interior door. The padlocks shall be steel having at least five tumblers and at least a 7/16-inch-diameter case-hardened shackle. The padlocks need not be protected by steel hoods. Hinges and hasps shall be securely fastened to the magazine and all locking hardware shall be secured rigidly and directly to the door frame. When unattended, vehicular magazines shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.

c. Type 2 indoor magazine

1. An indoor Type 2 magazine shall be provided with substantial wheels or casters to facilitate removal from a building in an emergency. The cover for the magazine shall have substantial strap hinges and a means for locking. The

magazine shall be kept locked except during the placement or removal of explosive materials with one five-tumbler padlock or equivalent.

2. Type 2 indoor magazines shall be painted red and shall bear lettering in white, on top, at least three inches high, "Explosives—Keep fire away."

3. Type 2 indoor magazines constructed of wood shall have sides, bottoms, and covers or doors constructed of 2-inch hardwood and shall be well braced at corners. The magazines shall be covered with sheet metal of not less than 20 gauge. Nails exposed to the interior of such magazines shall be countersunk.

4. Type 2 indoor magazines constructed of metal shall have sides, bottoms, and covers or doors constructed of 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

33. Type 3 magazine. Type 3 magazines shall be portable structures that are bullet-resistant, fire-resistant, theft-resistant, and weather-resistant.

a. Type 3 magazines shall be equipped with a five-tumbler padlock.

b. Type 3 magazines constructed of wood shall have sides, bottoms, and covers or doors constructed of 4-inch hardwood and shall be well braced at corners. They shall be covered with sheet metal of not less than 20 gauge. Nails exposed to the interior of such magazines shall be countersunk.

c. Type 3 magazines constructed of metal shall have sides, bottoms, and covers or doors constructed of 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

34. Type 4 magazine. A Type 4 magazine shall be a permanent, portable, or mobile structure, such as a building igloo, box, semitrailer, or other mobile container that is fire-resistant, theft-resistant, and weather-resistant.

a. Type 4 outdoor magazine

1. A Type 4 outdoor magazine shall be constructed of masonry, wood covered with metal, fabricated metal or a combination of these materials. The doors shall be metal or wood covered with metal. Permanent magazines shall be constructed in accordance with those provisions for Type 1 magazines pertaining to: foundations (paragraph 31(e)); ventilation (paragraph 31(g)); and locks, hinges, hasps and locking hardware (paragraph 31(h)). Vehicular Type 4 magazines shall be in accordance with the provisions for Type 2 vehicular magazines for locks, hinges, hasps and locking hardware (paragraph 32(b)4) and shall be immobilized when unattended (paragraph 32(b)2).

b. Type 4 indoor magazine

1. A Type 4 indoor magazine shall be in accordance with the provisions of a Type 2 indoor magazine (paragraph 32(d)).

4. Magazine operations

41. Storage within magazines

a. Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions. The competent person shall keep an up-to-date inventory of the contents of magazines.

b. All magazines containing Division 1.3G fireworks or black powder shall be opened and inspected at intervals of not greater than three days to determine whether there has been an unauthorized entry or attempted entry into the magazines; or to determine whether there has been unauthorized removal of the magazines or the contents of the magazines.

c. Magazine doors shall be kept locked, except during the time of placement and removal of stocks or during inspection.

d. Safety rules covering the operations of magazines shall be posted on the interior of the magazine door.

e. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked.

f. Containers shall be piled in a stable manner.

g. Containers of Division 1.3G fireworks shall be laid flat with top side up.

h. Black powder in shipping containers, when stored in magazines with other explosives, shall be segregated. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down.

i. Open containers shall be securely closed before being returned to a magazine. Only fiberboard containers may be opened in the magazine. No container without a closed lid may be stored in the magazine.

j. Wooden packages of Division 1.3G fireworks or black powder shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosive materials.

k. Tools used for opening containers of Division 1.3G fireworks or black powder shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber or wood mallet shall be used for opening or closing wood containers of explosives.

l. Magazines shall be used exclusively for the storage of Division 1.3G fireworks and black powder. Metal tools other than nonferrous transfer conveyors, shall not be stored in any magazine containing Division 1.3G fireworks or black powder. Ferrous metal conveyor stands may be stored in the magazine when the stands are protected by a coat of paint.

m. Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of, in accordance with the instructions of the manufacturer.

n. When magazines need interior repairs, all fireworks and black powder shall be removed therefrom and the floors cleaned.

o. In making exterior magazine repairs, when there is a possibility of causing sparks or fire, the fireworks and black powder shall be removed from the magazine.

p. Fireworks and black powder removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks and black powder shall be promptly returned to the magazine.

42. Miscellaneous safety precautions

a. Smoking, matches, open flames, spark-producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within 50 feet of magazines.

b. The land surrounding magazines shall be kept clear of brush, dried grass, leaves and similar combustibles for a distance of at least 25 feet.

c. Combustible materials shall not be stored within 50 feet of magazines.

d. Property upon which magazines are located shall be posted with signs reading "Explosives—Keep off." Such signs shall be located so as to minimize the possibility of a bullet's traveling in the direction of the magazine if anyone shoots at the sign.

PART III STORAGE OF DIVISION 1.4G FIREWORKS

1. General provisions

11. Division 1.4G fireworks shall be kept in storage buildings that meet the requirements of this section.

12. Division 1.4G fireworks shall be stored in storage buildings unless they are in process of manufacture, being physically handled in the operating process, being used, packaged, or being transported.

13. Storage buildings required by this section shall be constructed in accordance with Article 2.

14. Storage buildings containing Division 1.4G fireworks shall be separated from inhabited buildings, passenger railways and public highways, in accordance with Table 1.

15. Storage buildings containing Division 1.4G fireworks shall be separated from other storage buildings, magazines and fireworks plant buildings in accordance with Table 2.

2. Construction of storage buildings

21. Storage buildings for Division 1.4G fireworks may be a building, igloo, box, trailer, semi-trailer or other mobile facility. They shall be constructed to resist fire from an outside source and to be weather-resistant and theft-resistant.

22. Storage buildings for Division 1.4G fireworks shall be vented, or in the alternative, shall be constructed in such a manner that venting will occur by yielding of weaker parts of the structure under pressure generated by burning fireworks.

23. All storage buildings shall be equipped with locking means for all openings.

24. All doors shall open outward and all exits must be clearly marked. Aisles and exit doors shall be kept free of any obstructions.

25. Only dust-ignition proof type electrical fixtures shall be used and wiring shall comply with Section 502-4(b) of the National Electrical Code. No wall receptacles are permitted. All light fixtures must have guards.

26. An outside master electrical switch shall be provided at each storage building where electricity is used.

3. Storage building operations

31. Storage.

a. Storage buildings shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

b. Doors shall be kept locked, except during hours of operation.

c. Safety rules covering the operations of storage buildings shall be posted.

d. Containers shall be piled in a stable manner.

e. Division 1.4G fireworks shall be stored in their original packaging and in unopened cases or cartons so as to take advantage of the insulation provided by such packaging; provided, however, unpackaged fireworks which have been returned by retailers may be temporarily retained in bins for repackaging.

f. Tools used for opening containers of Division 1.4G fireworks shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers.

g. Storage buildings shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings shall be properly disposed of.

h. When storage buildings need interior repairs, all fireworks shall be removed therefrom and the interior cleaned.

i. In making exterior storage building repairs, when there is a possibility of causing sparks of fire, the fireworks shall be removed from the storage building.

j. Fireworks removed from a storage building under repair shall either be placed in another storage building or placed a safe distance from the storage building, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks shall be promptly returned to the storage building.

32. Miscellaneous safety precautions

a. Smoking, matches, open flames, spark-producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within 25 feet of storage buildings.

b. The land surrounding storage buildings shall be kept clear of brush, dried grass, leaves and similar combustibles for a distance of at least 25 feet, unless equivalent protection is provided.

c. Smoking shall not be permitted in storage buildings or within 25 feet of the storage building. There shall be conspicuously posted signs with the words "FIREWORKS—NO SMOKING" in letters not less than four inches high.

PART IV QUANTITY-DISTANCE SEPARATION TABLES

Table 1. Minimum Separation Distances of Fireworks Processing Buildings, Fireworks Magazines, and Fireworks Storage Buildings from Inhabited Buildings, Passenger Railways, and Public Highways.¹

Net Weight of Fireworks ²	Distance from Passenger Railways and Public Highways ^{3,4,5}		Distance from Inhabited Buildings ^{3,4,5}	
	Division 1.4G Fireworks		Division 1.3G Fireworks ⁵	
	Pounds	Feet	Feet	Feet
100	25	200	50	200
200	30	200	60	200
400	35	200	70	200
600	40	200	80	208
800	45	200	90	252
1,000	50	200	100	292

Net Weight of Fireworks ²	Distance from Passenger Railways and Public Highways ^{3,4,5}		Distance from Inhabited Buildings ^{3,4,5}	
	Division 1.4G Fireworks		Division 1.3G Fireworks ⁵	
	Pounds	Feet	Feet	Feet
2,000	58	230	115	459
3,000	62	296	124	592
4,000	65	352	130	704
5,000	68	400	135	800
6,000	70	441	139	882
8,000	73	509	140	1,018
10,000	75	565	150	1,129
15,000	80	668	159	1,335
20,000	83	745	165	1,490
30,000	87	863	174	1,725
40,000	90	953	180	1,906
50,000	93	1,030	185	2,060
60,000	95	1,095	189	2,190
80,000	98	1,205	195	2,410
100,000	100	1,300	200	2,600
150,000	105	1,488	209	2,975
200,000	108	1,638	215	3,275
250,000	110	1,765	220	3,530

Note 1: This table does not apply to separation distances at fireworks manufacturing buildings, and magazines for storage of Division 1.4G fireworks and storage buildings for Division 1.4G fireworks. Those separation distances are given in Table 2.

Note 2: Net weight is the weight of all pyrotechnic and explosive composition and fuse only.

Note 3: See definitions of "passenger railways," "public highways" and "inhabited buildings."

Note 4: Division 1.3G fireworks processing buildings and Division 1.3G fireworks magazines, including buildings located on the property of a fireworks plant shall be separated from passenger railways, public highways, and inhabited buildings by a minimum distance of 200 feet except that the separation from hospitals, schools and bulk storages of flammable liquids or flammable gases shall be by a minimum distance of 500 feet.

Note 5: The separation distances shall apply to all Division 1.3G fireworks except salutes. The separation distances in Table 3 shall apply for salutes. When salutes and Division 1.3G fireworks are stored in the same magazine, the net weight of salute is applied to Table 3 and the net weight of Division 1.3G fireworks, including the net weight of salutes, is applied to Table 1. Whichever distance is the greater shall determine the separation distances of the magazine.

Note 6: All distances in Table 1 are to be applied with or without barricades or screen-type barricades.

Table 2.
Minimum Separation Distances at
Fireworks Manufacturing Plants

Net Weight of Fireworks ¹	Distance of Magazines and Storage Buildings from Process Buildings and Nonprocess Buildings ^{2,5}		Distance Between Process Buildings and Between Process and Nonprocess Buildings ²	
	Division 1.4G Fireworks ³		Division 1.3G Fireworks ⁴	
	Pounds	Feet	Feet	Feet
100	30	30	37	57
200	30	35	37	69
400	30	44	37	85
600	30	51	37	97
800	30	56	37	105
1,000	30	60	37	112
2,000	30	76	37	172
3,000	35	87	48	222
4,000	38	95	60	264
5,000	42	103	67	300
6,000	45	109	72	331
8,000	50	120	78	382
10,000	54	129	82	423

Note 1: Net weight is the weight of all pyrotechnic and explosive compositions and fuse only.

Note 2: For the purposes of applying the separation distances in Table 2 a process building includes a mixing building, any building in which pyrotechnic or explosive compositions is pressed or otherwise prepared for finishing and assembling, and any finishing and assembling building. A nonprocess building means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive compositions are processed or stored.

Note 3: Distances apply with or without barricades or screen-type barricades.

Note 4: Distances apply only with barricades or screen-type barricades.

Note 5: Distances include those between magazines, between storage buildings, between magazines and storage buildings, between magazines or storage buildings from process buildings and non-process buildings.

Table 3. Minimum Separation Distances of Magazines for Storage of Black Powder or Division 1.3G Salutes from Inhabited Buildings, Highways, and Other Magazines for Storage of Black Powder or Division 1.3G Salutes.

American Table of Distances for Storage of Explosives as Revised and Approved by The Institute of Makers of Explosives—November 5, 1971. Distances in feet.

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways— Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	205	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	155
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238

American Table of Distances for Storage of Explosives as Revised and Approved by The Institute of Makers of Explosives—November 5, 1971. Distances in feet.

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways— Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,050	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-900, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-900, filed 11/2/82.]

Chapter 212-80 WAC

FIRE SPRINKLER SYSTEM CONTRACTORS

WAC

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212-80-010	Definitions.	212-80-098	Applications/fees for certificate of competency.
212-80-015	Compliance.	212-80-103	Temporary certificate of competency.
212-80-018	License and certification requirements.	212-80-108	Certificate of competency not transferable.
212-80-020	Right of appeal.	212-80-113	Certificate of competency employment.
212-80-023	Authority having jurisdiction.	212-80-118	Certificate of competency renewals.
212-80-028	License and certificate posting.	212-80-123	Voluntary relinquishment of certificates of competency.
212-80-033	Posting license number.	212-80-128	Certificate of competency prorated fees.
212-80-038	Municipality, county, or state regulations.	212-80-133	Sprinkler system inspection and testing contractor.
212-80-043	Qualifications for preparation of layout drawings, installations, inspections, testing, maintenance, or servicing.	212-80-138	Sprinkler system inspection and testing contractor— Work allowed by this license.
212-80-048	Subcontracting.	212-80-140	Inspection and testing license not transferable.
212-80-053	Licensed fire protection sprinkler system contractor.	212-80-145	Sprinkler system inspection and testing contractor responsibilities.
212-80-058	Fire protection sprinkler contractor license not transferable.	212-80-150	Inspection and testing contractor license renewals.
212-80-063	Contractor responsibilities, certificate of competency holder employment.	212-80-155	Sprinkler system inspection and testing contractor— Prorated fees.
212-80-068	License renewals.	212-80-160	Sprinkler system inspection and testing contractor— Surety bonds.
212-80-073	Prorated license fees.	212-80-165	Inspection and testing of water based fire protection systems.
212-80-078	Contractor surety bonds.	212-80-170	Inspection and testing technicians—Work allowed by this certification.
212-80-083	Stamps for NFPA 13D, 13R, and 13 systems.	212-80-175	Inspection and testing technician—Certification.
		212-80-180	Application/fees for inspection and testing technician certification.

212-80-185	Inspection and testing technician certification not transferable.
212-80-188	Inspection and testing technician employment.
212-80-190	Inspection and testing technician renewal certificates.
212-80-195	Inspection and testing technician—Prorated fees.
212-80-200	Suspension or revocation of licenses.
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212-80-210	Imposing citations and civil penalties.
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212-80-230	Hearings.
212-80-235	Informal conference.
212-80-240	Formal hearing.
212-80-245	Penalty adjustments.
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212-80-255	Type I (minimal) violations.
212-80-260	Type II (moderate) violations.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

212-80-025	Authority having jurisdiction. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-025, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-023.	212-80-065	Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-108.
212-80-030	Qualifications for preparation of layout drawings, installations, inspections, maintenance, or servicing. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-030, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-030, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-030, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-043.	212-80-070	Suspension or revocation of certificates. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-065, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-065, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-065, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-205.
212-80-035	Seals for NFPA 13D, 13R, and 13 systems. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-035, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-035, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-035, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-083.	212-80-075	Certificate of competency employment. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-070, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-113.
212-80-040	Contractor's materials and test certificates. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-040, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-040, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-088.	212-80-080	Renewal certificates. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-075, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-118.
212-80-045	Certificate of competency testing. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-045, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-045, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-093.	212-80-085	Voluntary relinquishment of certificates of competency. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-080, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-123.
212-80-050	Applications/fees for certificate of competency. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-050, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-098.	212-80-090	Certificate of competency prorated fees. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-085, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-128.
212-80-055	Temporary certificate of competency. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-055, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-055, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-103.	212-80-095	Licensed fire protection sprinkler system contractor. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-090, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-053.
212-80-060	Certificate of competency not transferable. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-060, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-060, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority:	212-80-100	License and certificate posting. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-095, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-028.
		212-80-105	Posting license number. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-100, filed 7/1/91, effective 8/1/91.] Decodified by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-033.
		212-80-110	License not transferable. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-105, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-058.
		212-80-115	Contractor responsibilities, certificate of competency holder employment. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-110, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-110, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-063.
		212-80-120	License renewals. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-115, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-115, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-115, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-068.
			Prorated license fees. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-120, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-073.

- 212-80-125 Contractor surety bonds. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-125, filed 10/5/92, effective 11/5/92.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-078.
- 212-80-130 Municipality, county, or state regulations. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-130, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-038.
- 212-80-135 Suspension or revocation of licenses. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-135, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-135, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-200.

WAC 212-80-001 Purpose. The purpose of this regulation is to adopt rules for the licensing of fire protection sprinkler system contractors, the issuance of certificates of competency, and for the issuance of civil fines and citations as defined in chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-001, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-001, filed 7/1/91, effective 8/1/91.]

WAC 212-80-005 Applicability. This regulation applies to any and all persons or organizations performing as a fire protection sprinkler contractor and/or certificate of competency holder, with or without the required state licensing and/or certification as defined in chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-005, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-005, filed 7/1/91, effective 8/1/91.]

WAC 212-80-010 Definitions. The following definitions shall apply to this regulation:

"Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for approving layout drawings, equipment, an installation or a procedure. Usually the AHJ is the building and/or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations and day care facilities, the AHJ is the city or county building and/or fire official and the chief of the Washington state patrol, through the director of fire protection.

"Citation" means written notification issued by the chief of the Washington state patrol, through the director of fire protection, pursuant to RCW 18.160.040 to issue a civil penalty for a violation of any provision of chapter 18.160 RCW. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

"Director of fire protection" means the state fire marshal and/or his or her authorized representative.

"Dry pipe sprinkler system" means a system employing automatic sprinklers attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) allows the water pressure to open a valve known as a dry pipe valve. The water then flows into the piping system and out to the open sprinkler(s).

"Fire protection sprinkler system" means an assembly of underground and/or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion. The fire protection sprinkler system (with the exception of residential combination systems) starts at the point where the last nonfire water use is taken from the supply mains. This is the point just down stream of the last tap for domestic or process water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing.

"Fire pump" means a listed pump supplying water at the flow and pressure required by water based fire protection systems.

"FOR DESIGN ONLY" means a certificate of competency holder only allowed to perform the design of a fire protection sprinkler system consistent with the level of certification he or she holds. In the case of a "State Level U certification," "FOR DESIGN ONLY" merely allows the individual to maintain their certification.

"Formal hearing" means a hearing before a hearings officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

"Hazard" means a condition which could result in injury or death to a person and/or damage to property.

"Hearings request" means the written request for a formal hearing to contest a civil penalty.

"Inspection" means a visual examination of a fire protection sprinkler system, or portion of the system, to verify that the system appears to be in operating condition, is free from physical damage, and complies with the applicable statutes and regulations adopted by the state.

"Instance" means the number of times a person has been cited for a violation of chapter 18.160 RCW or this chapter. These will be identified as 1st, 2nd, and 3rd instances.

"Maintenance" means work performed on a fire suppression sprinkler system to keep the equipment operable, or to make repairs.

"NFPA" means the National Fire Protection Association.

"NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.

"NFPA 13R" means whatever standard that is used by the National Fire Protection Association for the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height.

"NFPA 13" means whatever standard that is used by the National Fire Protection Association for the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.

"NFPA 20" means whatever standard that is used by the National Fire Protection Association for the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.

"NFPA 24" means whatever standard that is used by the National Fire Protection Association for the installation of the dedicated underground fire service main of a water based fire protection system.

"NFPA 25" means whatever standard that is used by the National Fire Protection Association for the inspection, testing, and maintenance of water based fire protection systems.

"NICET" means the National Institute for Certification in Engineering Technologies.

"Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

"Preaction system" means a sprinkler system employing automatic sprinklers attached to a piping system containing air, which may or may not be under pressure, with a supplemental detection system installed in the same areas as the sprinklers.

"Qualified" shall mean an individual who has demonstrated through education, training, examination, and/or national certifications the competency, skill, and ability necessary to perform any work covered and/or defined by this chapter and chapter 18.160 RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapter 18.160 RCW, the relevant jurisdiction shall be the chief of the Washington state patrol, through the director of fire protection.

"Revoke" means the chief of the Washington state patrol, through the director of fire protection, shall rescind a company's license or an individual's certification from them. Such action causes said company or individual to cease any and all work in the sprinkler field in Washington state until such time as the chief of the Washington state patrol, through the director of fire protection, is satisfied with the resolution of the issue which caused the license or certificate to be revoked.

"State fire marshal" means the director of fire protection or his/her authorized representative.

"State Level I certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D fire protection sprinkler system or any part of such a system.

"State Level I licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D fire protection sprinkler system or any part of such a system.

"State Level II certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D and/or an NFPA 13R fire protection sprinkler system or any part of such a system.

"State Level II licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D and/or a NFPA 13R fire protection sprinkler system or any part of such a system.

"State Level III certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D, NFPA

13R, NFPA 13, or all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW.

"State Level III licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW.

"State certified fire sprinkler system inspection and testing technician" ("ITT") means a state certificateholder who is qualified to inspect and/or test NFPA 13D, 13R, or 13, wet and dry pipe fire protection systems per the definition of fire protection sprinkler system in this chapter. However, testing of other fire protection systems such as preaction, deluge, foam, or fire pump and maintenance of any type of system defined under this chapter or chapter 18.160 RCW shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump.

"State level inspection and testing contractor licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the inspection or testing of a wet or dry pipe NFPA 13 - D, NFPA 13 - R, NFPA 13, or other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW. However, the testing and maintenance of fire protection systems such as preaction, deluge, foam, or fire pumps, shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

"State Level U certification" means a certificate of competency holder who is qualified to certify the installation of the underground portions of fire protection sprinkler systems in conformance with recognized standards adopted by the director of fire protection.

"State Level U licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the installation of the underground portions of fire protection sprinkler systems in conformance with the recognized standards adopted by the chief of the Washington state patrol, through the director of fire protection.

"Suspend" means the chief of the Washington state patrol, through the director of fire protection, holds a license or certificate inactive until such time as the chief of the Washington state patrol, through the director of fire protection, feels confident that the company or individual is in compliance with the requirements of this chapter and chapter 18.160 RCW.

"Testing" means a procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water-flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the appropriate chapter of NFPA 25.

"Type" means the classification of violation as minimal, moderate, and severe. These are identified as Types I, II, and III respectively.

"Violation" means any action, general or specific, inconsistent with the intent and letter of chapter 18.160 RCW and this chapter and shall be further defined as:

(a) "Minimal violation" means a Type I violation which poses a minor hazard or threat to life and property in the event of a fire.

(b) "Moderate violation" means a Type II violation which poses a significant hazard or threat to life or property in the event of a fire.

(c) "Severe violation" means a Type III violation which poses a substantial hazard or threat to life or property in the event of a fire.

"Wet pipe sprinkler system" means a sprinkler system employing automatic sprinklers attached to a piping system containing water and connected to a water supply so that water discharges immediately when any sprinkler is opened by heat from a fire.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-010, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-010, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-010, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-010, filed 7/1/91, effective 8/1/91.]

WAC 212-80-015 Compliance. All fire sprinkler system contractors, certificate of competency holders, and persons installing, inspecting, maintaining, or servicing fire protection sprinkler systems or any part of such a system shall comply with the provisions of this regulation.

EXCEPTIONS:

(1) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

(2) A person or organization acting under court order.

(3) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor.

(4) A registered professional engineer acting solely in a professional capacity.

(5) A properly qualified and/or trained employee of a licensed fire protection sprinkler system contractor performing duties for the contractor. Said qualifications and/or training to be consistent with the level of work performed by the licensed fire protection sprinkler system contractor.

(6) An owner/occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership which they plan to sell, lease, or rent.

(7) An employee of a facility or owner who is qualified to the satisfaction of the local authority having jurisdiction to perform inspection and testing of fire protection sprinkler systems in said facility.

(8) An employee of a licensed electrical contractor installing or testing only the electronic signaling devices of a fire sprinkler system.

(9) A person, licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, performing testing and maintenance of backflow assemblies.

(10) A person licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, and also licensed by the Washington state department of labor and industries, under chapter 18.106 RCW, as a backflow specialty plumber performing repairs of backflow assemblies in accordance with chapter 246-290 WAC.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-015, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-015, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-015, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-015, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-015, filed 7/1/91, effective 8/1/91.]

WAC 212-80-018 License and certification requirements. Only a company or individual licensed as a fire protection sprinkler systems contractor, who has at least one designer on staff certified by the chief of the Washington state patrol, through the director of fire protection, can bid, offer to bid, contract, or perform the designing, installation, inspection, testing, maintenance, and/or servicing of a fire protection sprinkler system.

EXCEPTION: A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and/or testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system - excluding preaction, deluge, or foam systems or systems with fire pumps.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-018, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-018, filed 2/4/05, effective 3/7/05.]

WAC 212-80-020 Right of appeal. Any person who is aggrieved by the chief of the Washington state patrol, through the director of fire protection suspending or revoking the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in fire protection sprinkler system business, may appeal to the director within thirty days of the date of the order.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-020, filed 8/16/05, effective 9/16/05. Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-020, filed 7/1/91, effective 8/1/91.]

WAC 212-80-023 Authority having jurisdiction. (1) Fire protection sprinkler systems shall meet the approval of the authority having jurisdiction. This includes plans, specifications, calculations, contractor's materials and test certificates, and final approval.

(2) In certain types of occupancies the authority having jurisdiction may be the chief of the Washington state patrol, through the director of fire protection and the building and/or fire official of the city or county in which the installation is located. Generally these dual responsibilities occur in health care facilities, transient accommodations, and day care facilities.

(3) It is the responsibility of the certificate of competency holder to ascertain which agency or agencies have jurisdiction. If there is a question, the certificate of competency holder should contact the chief of the Washington state patrol, through the director of fire protection.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-023, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-025, filed 7/1/91, effective 8/1/91.]

WAC 212-80-028 License and certificate posting.

Each license and certification issued under this regulation must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business. The wallet card issued to a certificate of competency holder and/or an inspection and testing technician under this chapter will be maintained with the certified individual it was issued to and available for review at any time.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-028, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-028, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-095, filed 7/1/91, effective 8/1/91.]

WAC 212-80-033 Posting license number. All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, recodified as § 212-80-033, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-100, filed 7/1/91, effective 8/1/91.]

WAC 212-80-038 Municipality, county, or state regulations. (1) Nothing in this regulation limits the power of a municipality, county, or state to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this regulation limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state of layout drawings and specifications for work to be performed by contractors before commencement of the work.

(3) The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license and a valid certificate of competency stamp consistent with the contractor's license.

(4) This regulation applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state.

(5) Officials of any municipality, county, or the state are required to determine compliance with this regulation before awarding any contracts for the installation, inspection, testing, maintenance, repair, service, alteration, fabrication, or addition of a fire protection sprinkler system.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-038, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-038, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-130, filed 7/1/91, effective 8/1/91.]

WAC 212-80-043 Qualifications for preparation of layout drawings, installations, inspections, testing, maintenance, or servicing. (1) Only licensed fire protection sprinkler system contractors shall execute contracts for the installation, inspection, testing, maintenance, or servicing of fire protection sprinkler systems or any part of such a system in the state of Washington.

Exception: A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system - excluding preaction, deluge, or foam systems or systems with fire pumps.

(2) Only licensed contractors who have achieved at least State Level U licensure shall execute contracts for the installation, inspection, maintenance and/or servicing of the underground portions of fire protection sprinkler systems in the state of Washington.

(3) Only licensed fire protection sprinkler contractors who have achieved at least State Level I licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D fire protection sprinkler systems or any part of such a system in the state of Washington.

(4) Only licensed fire protection sprinkler contractors who have achieved at least State Level II licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D or NFPA 13R fire protection sprinkler systems or any part of such a system in the state of Washington.

(5) Only licensed fire protection sprinkler contractors who have achieved at least State Level III licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part of such a system in the state of Washington.

(6) Only those certificate of competency holders who have achieved State Level U certification shall supervise and/or certify the installation of underground supplies to fire protection sprinkler systems. To achieve State Level U certification, persons shall satisfactorily complete an examination administered by the chief of the Washington state patrol, through the director of fire protection.

(7) Only those certificate of competency holders who have achieved at least State Level I certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, servicing, or the installation of NFPA 13D fire protection sprinkler systems or any part thereof. To achieve State Level I certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the chief of the Washington state patrol, through the director of fire protection.

(8) Only those certificate of competency holders who have achieved at least State Level II certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, servicing, or the installation of NFPA 13D and NFPA 13R fire protection

sprinkler systems or any part thereof. To achieve State Level II certification, persons shall hold a current NICET Level 2 classification.

(9) Only those certificate of competency holders who have achieved at least State Level III certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, servicing, or the installation of NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part thereof. To achieve State Level III certification, persons shall hold a current NICET Level 3 or 4.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-043, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-043, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-030, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-030, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-030, filed 7/1/91, effective 8/1/91.]

WAC 212-80-048 Subcontracting. Subcontracting of any work under the purview of chapter 18.160 RCW involving unlicensed contractors is strictly prohibited and a violation of chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-048, filed 2/4/05, effective 3/7/05.]

WAC 212-80-053 Licensed fire protection sprinkler system contractor. To become a licensed fire protection sprinkler system contractor under this regulation, a person or firm must comply with the following:

(1) Must be or have in his or her full-time employ a holder of a valid certificate of competency whose level is consistent with the license level.

(2) Make application to the director of fire protection on forms provided and pay the fees required.

(3) Meet the bonding requirements of WAC 212-80-078.

(4) Be licensed as a contracting company in the state of Washington by the department of labor and industries and possess the twelve digit alphanumeric business license number assigned by that agency.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-053, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-053, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-090, filed 7/1/91, effective 8/1/91.]

WAC 212-80-058 Fire protection sprinkler contractor license not transferable. A license issued under this regulation is not transferable.

EXCEPTION:

Should a currently licensed fire protection sprinkler contractor merge or form another company, that license can be reissued to the newly formed/incorporated company provided:

(1) The principal officers of the licensed company remain the same;

(2) Continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;

(3) Continues to perform fire protection sprinkler contractor work as defined by chapter 18.160 RCW;

(4) Employs a certificate of competency holder of the appropriate level; and

(5) Meets the criteria necessary for licensing as a fire protection sprinkler contracting company as defined by chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-058, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-105, filed 7/1/91, effective 8/1/91.]

WAC 212-80-063 Contractor responsibilities, certificate of competency holder employment. (1) A fire protection sprinkler system contractor shall have at least one full time certificate of competency holder, consistent with the license level, employed to conduct business.

(2) If a certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, and the contractor has no other certificate of competency holder on staff, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application. In order to be issued a new license, the contractor shall identify a new certificate of competency holder who, at the time of application, shall be either an owner or full-time employee of that fire protection sprinkler business.

(3) If such application is not received by the chief of the Washington state patrol, through the director of fire protection and a new license issued within the allotted time, the chief of the Washington state patrol, through the director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

(4) The fire protection sprinkler system contractor may only complete the active phase of existing work in progress which has been approved by the authority having jurisdiction, and may not receive new approvals from the authority having jurisdiction without a certificate holder's number on the documents. Installation can continue on approved design plans, however, the contractor's material and test certificate for the system must be stamped by a certificate of competency holder in the full-time employ of the installing contractor.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-063, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-110, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-110, filed 7/1/91, effective 8/1/91.]

WAC 212-80-068 License renewals. (1) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall secure from the chief of the Washington state patrol, through the director of fire protection prior to January 1 of each year a renewal license upon payment of the fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the chief of the Washington state patrol, through the director of fire protection, and the license holder shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the expiration date shall constitute sufficient cause for the chief of the Washing-

ton state patrol, through the director of fire protection to suspend the license.

(4) The chief of the Washington state patrol, through the director of fire protection may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the chief of the Washington state patrol, through the director of fire protection not to restore a license that has been suspended:

- (a) Nonreceipt of payment of all delinquent fees;
- (b) Nonreceipt of a late charge and/or application fee;
- (c) Failure to comply with the bonding requirements of chapter 18.160 RCW; and

(d) Failure to obtain or show evidence of having a full time employee certified as a certificate of competency holder of the appropriate level as defined by chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-068, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-115, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-115, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-115, filed 7/1/91, effective 8/1/91.]

WAC 212-80-073 Prorated license fees. The initial license fee shall be prorated based upon the portion of the year such license is in effect. This is allowed only once in the history of the company.

EXCEPTION: Any contracting company who attempts to license as a fire sprinkler contracting company after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual licensing fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for unlicensed operation(s).

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-073, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-120, filed 7/1/91, effective 8/1/91.]

WAC 212-80-078 Contractor surety bonds. (1) The chief of the Washington state patrol, through the director of fire protection shall not issue a license under this regulation unless:

(a) The fire protection sprinkler system contractor, to be licensed as a Level III or Level "U" fire protection sprinkler system contractor, files with the chief of the Washington state patrol, through the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of ten thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation; or

(b) The fire protection sprinkler system contractor, to be licensed for Level I and/or Level II systems or a contractor to be licensed as an inspection and testing contractor, files with the chief of the Washington state patrol, through the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's

servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Upon approval by the chief of the Washington state patrol, through the director of fire protection, property or cash may substitute for a surety bond provided the value matches the appropriate level of bonding required for the level of work to be performed. The value of property shall be determined by an appraiser selected by the chief of the Washington state patrol, through the director of fire protection. All appraisal fees shall be paid by the fire protection sprinkler system contractor.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-078, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-078, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-125, filed 10/5/92, effective 11/5/92.]

WAC 212-80-083 Stamps for NFPA 13D, 13R, and 13 systems. (1) Sprinkler system plans, calculations, and contractors' materials and test certificates submitted to the authority having jurisdiction shall be stamped pursuant to subsection (3) of this section.

(2) At least one set of approved plans and calculations, containing information as specified in subsection (3) of this section, shall be maintained on the job site while the work is being performed.

(3) Stamps shall be issued by the chief of the Washington state patrol, through the director of fire protection and shall contain the name and certification number of the certificate of competency holder, name and license number of the holder's employer, the expiration date of the current certificate, a place for the signature of the certificate of competency holder and the date of the signature. On all plans the stamp shall be easily recognizable and visible.

(4) An original stamp and signature shall appear on each page of plans, on the cover sheet of hydraulic calculations and on all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

(5) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a State Level U licensed fire protection sprinkler contractor shall be stamped by either a licensed professional engineer registered in the state of Washington or the appropriate level certificate of competency holder and the State Level U certificate of competency holder employed by the submitting contractor.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-083, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-083, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-035, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-035, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-035, filed 7/1/91, effective 8/1/91.]

WAC 212-80-088 Contractor's materials and test certificates. (1) The certificate of competency holder shall complete the contractor's material and test certificate(s), affix his/her certificate of competency stamp, and forward the certificate(s) to the authority having jurisdiction.

(2) Contractor's material and test certificate forms shall be of such form as accepted or approved by the chief of the

Washington state patrol, through the director of fire protection.

(3) The authority having jurisdiction shall require an approved flow test of heads as part of the approval of NFPA 13R and NFPA 13D fire protection sprinkler systems.

(4) The authority having jurisdiction and the building owner shall retain copies of the contractor's materials and test certificate for a minimum of five years.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-088, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-040, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-040, filed 7/1/91, effective 8/1/91.]

WAC 212-80-093 Certificate of competency certification. To become a certificate of competency holder under this regulation, an applicant must either:

(1) For State Level 1 certification, have satisfactorily passed with a final score of eighty percent or better an examination administered by the chief of the Washington state patrol, through the director of fire protection or show evidence of passing the National Institute for Certification in Engineering Technologies element requirements for Level 2 certification in fire protection system layout design.

(2) For State Level U certification, have satisfactorily passed with a final score of eighty percent or better an examination administered by the chief of the Washington state patrol, through the director of fire protection.

(3) Be a registered professional engineer acting solely in a professional capacity. Such engineer shall comply with all other requirements of this regulation including payment of fees, completion of the application process, and supplying the director of fire protection with proof that the applicant holds a current, valid state of Washington registration as a professional engineer. Upon completion of the above requirements, the engineer will be granted an equivalency certificate to that of State Level III; or

(4) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved the classification. State Level 2 certification requires a minimum certification from the National Institute for Certification in Engineering Technologies of Level 2 in the field of fire protection automatic sprinkler system layout or better. State Level 3 certification requires either Engineering Technician, Level 3 or Senior Engineering Technician, Level 4 in the field of fire protection automatic sprinkler system layout.

(5) The chief of the Washington state patrol, through the director of fire protection may accept equivalent proof of qualification in lieu of the examination requirements.

(6) Proof of competency to the satisfaction of the chief of the Washington state patrol, through the director of fire protection is mandatory.

(7) Every applicant for a certificate of competency shall fulfill the requirements established by the chief of the Washington state patrol, through the director of fire protection under chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-093, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-093, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-045, filed 12/1/94,

effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-045, filed 7/1/91, effective 8/1/91.]

WAC 212-80-098 Applications/fees for certificate of competency. Every applicant for a certificate of competency shall apply to the chief of the Washington state patrol, through the director of fire protection on application forms provided and pay the fees required.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-098, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-050, filed 7/1/91, effective 8/1/91.]

WAC 212-80-103 Temporary certificate of competency. (1) The chief of the Washington state patrol, through the director of fire protection may issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this regulation.

(2) The temporary certificate of competency shall remain in effect for a period of one year. If the temporary certificate of competency holder provides evidence to the chief of the Washington state patrol, through the director of fire protection, of testing with NICET in the previous year, the temporary certificate of competency may be renewed two times.

(3) In no case shall a person hold a temporary certificate of competency for more than three years, either cumulative or consecutive.

(4) To convert from a temporary certificate of competency to a regular certificate of competency, a person shall:

(a) Within three years from the initial issuance of the temporary certificate of competency, apply for a regular certificate of competency; and

(b) Complete the requirements specified in this regulation and chapter 18.160 RCW.

(5) An individual having a temporary certificate of competency shall not be exempt from taking an examination to acquire a regular certificate of competency.

(6) Prior to the expiration of the temporary certificate of competency at the end of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. Upon expiration of the temporary certificate of competency at the end of the three-year period, if the holder has not met the requirements of subsection (4) of this section, the holder shall cease all activities associated with the holding of a certificate of competency.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-103, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-055, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-055, filed 7/1/91, effective 8/1/91.]

WAC 212-80-108 Certificate of competency not transferable. A certificate of competency issued under this regulation is not transferable. This certification can, however, follow a person to another employer provided that employer is currently licensed at the appropriate level.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-108, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-

060, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-060, filed 7/1/91, effective 8/1/91.]

WAC 212-80-113 Certificate of competency employment. (1) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time.

(2) If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she shall notify the chief of the Washington state patrol, through the director of fire protection within thirty days of his or her last day of employment.

(3) Should any individual who meets the criteria to be a certificate of competency holder as defined by this chapter and chapter 18.160 RCW wish to be certified to perform design work only, he or she may request to work as a "FOR DESIGN ONLY" certificate of competency holder. This certification can also be utilized to maintain state certification, as in the case of the State Level U certification.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-113, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-113, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-070, filed 7/1/91, effective 8/1/91.]

WAC 212-80-118 Certificate of competency renewals. (1) All certificate of competency holders who desire to maintain a current certificate shall, prior to January 1 of each year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal forms shall be provided by the chief of the Washington state patrol, through the director of fire protection, upon request, and the certificate holder shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) The chief of the Washington state patrol, through the director of fire protection may suspend the certificate of competency for failure to apply for a renewal certificate of competency within sixty days after the expiration date.

(4) The chief of the Washington state patrol, through the director of fire protection may, upon the receipt of payment of all delinquent fees and a late charge, restore a certificate of competency that had been suspended.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-118, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-075, filed 7/1/91, effective 8/1/91.]

WAC 212-80-123 Voluntary relinquishment of certificates of competency. (1) A certificate of competency holder may voluntarily relinquish his or her certificate of competency to the chief of the Washington state patrol, through the director of fire protection. This includes temporary certificate of competencies that have not been in effect for more than three consecutive and/or accumulative years.

(2) The relinquishment is effective when the certificate is received by the chief of the Washington state patrol, through the director of fire protection.

(3) After relinquishing the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof.

(4) Within two years from the time of relinquishment of the certificate of competency, he or she may again qualify for a certificate of competency, with the approval of the chief of the Washington state patrol, through the director of fire protection, by the payment of the required fee.

(5) If two or more years have elapsed, he or she shall return to the status of a new applicant.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-123, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-080, filed 7/1/91, effective 8/1/91.]

WAC 212-80-128 Certificate of competency prorated fees. The initial certificate of competency fee shall be prorated based upon the portion of the year such certificate of competency is in effect, prior to renewal on January 1.

EXCEPTION: Any individual who attempts to certify with the chief of the Washington state patrol, through the director of fire protection, after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual certification fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for uncertified operation(s).

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-128, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-085, filed 7/1/91, effective 8/1/91.]

WAC 212-80-133 Sprinkler system inspection and testing contractor. To become a licensed sprinkler system inspection and testing contractor under this regulation, a person or firm must comply with the following:

(1) Make application to the chief of the Washington state patrol, through the director of fire protection, on forms provided and pay the fees required.

(2) Meet the bonding requirements of WAC 212-80-125.

(3) Be licensed as a contracting company in the state of Washington by the department of labor and industries and provide the twelve digit alphanumeric business license number to the state fire marshal or his or her designee.

(4) Have each individual working as an inspection and testing technician certified as "qualified" by the chief of the Washington state patrol, through the director of fire protection, as defined by this chapter.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-133, filed 8/16/05, effective 9/16/05.]

WAC 212-80-138 Sprinkler system inspection and testing contractor—Work allowed by this license. Any company that becomes licensed as a sprinkler system inspection and testing contractor is allowed to contract for or offer to bid for the inspection and testing of water based fire protection systems as defined by chapter 18.160 RCW and this chapter. However, the inspection and testing of any fire pump system, deluge, preaction, foam, or chemical based fire protection system is not allowed by this license, nor is any sprinkler system inspection and testing contractor allowed to per-

form any maintenance on a water or chemical based fire protection system.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-138, filed 8/16/05, effective 9/16/05.]

WAC 212-80-140 Inspection and testing license not transferable. A license issued under this regulation is not transferable.

EXCEPTION: Should a currently licensed inspection and testing contractor merge or form another company, that license can be reissued to the newly formed/incorporated company provided:

- (1) The principal officers of the licensed company remain the same;
- (2) Continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;
- (3) Continues to perform inspection and testing contractor work as defined by chapter 212-80 WAC;
- (4) Employs at least one full-time inspection and testing technician; and
- (5) Meets the criteria necessary for licensing as an inspection and testing contracting company as defined by chapter 212-80 WAC.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-140, filed 8/16/05, effective 9/16/05.]

WAC 212-80-145 Sprinkler system inspection and testing contractor responsibilities. (1) Any employee of a sprinkler system inspection and testing contractor who physically performs inspection and testing of water based fire protection systems shall be certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician as defined in WAC 212-80-170. Under no condition can a sprinkler system inspection and testing contractor perform any inspection and testing of water based fire protection systems without at least one employee on staff certified by the chief of the Washington state patrol, through the director of fire protection, as a qualified inspection and testing technician, to physically perform any such work.

(2) If a sprinkler system inspection and testing contractor should at any time lose all inspection and testing technicians certified by the chief of the Washington state patrol, through the director of fire protection, that company is no longer able to perform work in Washington state as a sprinkler system inspection and testing contractor. Further, all work currently being performed by this contractor will be halted until such time as the company is able to employ full time at least one state certified inspection and testing technician to personally complete any existing physical work.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-145, filed 8/16/05, effective 9/16/05.]

WAC 212-80-150 Inspection and testing contractor license renewals. (1) All licensed sprinkler system inspection and testing contractors desiring to continue to be licensed shall secure from the chief of the Washington state patrol, through the director of fire protection, prior to January 1 of each year, a renewal license upon payment of the fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the chief of the Washington state patrol, through the director of fire protection, and the license holder shall fur-

nish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the chief of the Washington state patrol, through the director of fire protection, to suspend the license.

(4) The chief of the Washington state patrol, through the director of fire protection, may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the chief of the Washington state patrol, through the director of fire protection, not to restore a license that has been suspended:

(a) Nonreceipt of payment of all delinquent fees;

(b) Nonreceipt of a late charge and/or application fee;

(c) Any evidence or complaint which verifies that employees of the sprinkler system inspection and testing contractor have performed inspection and testing technician work without being certified by the chief of the Washington state patrol, through the director of fire protection;

(d) Failure to comply with the bonding requirements of chapter 18.160 RCW; and

(e) Failure to obtain or show evidence of having at least one full-time certified sprinkler system inspection and testing technician.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-150, filed 8/16/05, effective 9/16/05.]

WAC 212-80-155 Sprinkler system inspection and testing contractor—Prorated fees. The initial license fee shall be prorated based upon the portion of the year such license is in effect. This is allowed only once in the history of the company.

EXCEPTION: Any sprinkler system inspection and testing contracting company who is required to be licensed as a sprinkler system inspection and testing contractor with the chief of the Washington state patrol, through the director of fire protection, after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual licensing fee, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for unlicensed operation(s).

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-155, filed 8/16/05, effective 9/16/05.]

WAC 212-80-160 Sprinkler system inspection and testing contractor—Surety bonds. (1) The chief of the Washington state patrol, through the director of fire protection, shall not issue a license under this regulation unless the sprinkler system inspection and testing contractor has in their possession and files with the chief of the Washington state patrol, through the director of fire protection, a surety bond executed by a surety company authorized to do business in the state of Washington in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Upon approval by the chief of the Washington state patrol, through the director of fire protection, property or cash may substitute for a surety bond provided the value is at least six thousand dollars and the property or cash is not otherwise encumbered. The value of property shall be deter-

mined by an appraiser selected by the chief of the Washington state patrol, through the director of fire protection. All appraisal fees shall be paid by the sprinkler system inspection and testing contractor.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-160, filed 8/16/05, effective 9/16/05.]

WAC 212-80-165 Inspection and testing of water based fire protection systems. (1) All inspection and testing certificates, documentation, and/or other such records of work shall have affixed to them the inspection and testing technician number as provided by the chief of the Washington state patrol, through the director of fire protection, and shall possess the signature of the inspection and testing technician and the date of signature.

(2) Under no condition shall any employee working for a sprinkler system inspection and testing contractor perform any inspection and testing work on a water based fire protection system unless they possess certification as a competent inspection and testing technician by the chief of the Washington state patrol, through the director of fire protection.

(3) Wallet cards shall be issued by the chief of the Washington state patrol, through the director of fire protection, and shall contain the name and technician number of the inspection and testing technician, the expiration date of the current certification, a place for the signature of the inspection and testing technician, and the date of the signature.

(4) An original signature shall appear on each page of documentation for all inspection and testing certificates for water based fire protection sprinkler systems conducted by the inspection and testing technician.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-165, filed 8/16/05, effective 9/16/05.]

WAC 212-80-170 Inspection and testing technicians—Work allowed by this certification. (1) Possessing certification as an inspection and testing technician from the chief of the Washington state patrol, through the director of fire protection, shall allow an individual to perform only inspection and testing of water based fire protection systems, with the exception of preaction, deluge, or systems with fire pumps.

(2) All inspection and testing certificates shall be signed by an inspection and testing technician possessing the proper certification by the chief of the Washington state patrol, through the director of fire protection.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-170, filed 8/16/05, effective 9/16/05.]

WAC 212-80-175 Inspection and testing technician—Certification. To become an inspection and testing technician under this regulation, an applicant must:

(1) Possess a National Institute for Certification in Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification; or

(2) Demonstrate satisfactory completion of educational elements as specified by the chief of the Washington state patrol, through the director of fire protection, through the National Institute for Certification in Engineering Technologies.

(3) Provided the application for the inspection and testing technician certification is made prior to ninety days after final adoption of this rule, the chief of the Washington state patrol, through the director of fire protection, may in lieu of the examination requirements for an inspection and testing technician, issue a temporary inspection and testing technician certification. The terms for this temporary certification shall be as follows:

(a) The employer of each applicant must provide notarized affidavits and proper documentation attesting that in the last three years the applicant has had a minimum of four thousand hours experience in the installation, inspection, and/or testing of fire sprinkler systems. Each application will be reviewed by the chief of the Washington state patrol, through the director of fire protection, and those found satisfactory shall be appointed a base time of one certification year as a temporary inspection and testing technician.

(b) Before the renewal of any temporary inspection and testing technician certification, the individual shall submit to the chief of the Washington state patrol, through the director of fire protection, sufficient evidence of a good faith effort in attaining certification as an inspection and testing technician as described in subsection (1) or (2) of this section. Such evidence shall qualify the temporary inspection and testing technician for an extension as a temporary inspection and testing technician for not more than a single-certification-year.

(c) No temporary inspection and testing technician shall be allowed more than one base certification year. No temporary inspection and testing technician shall be allowed more than two single-certification-year extensions as a temporary inspection and testing technician. No single-certification-year extension will be issued without first providing evidence of a good faith effort in attempting to attain certification as an inspection and testing technician as described in subsection (1) or (2) of this section. No individual shall possess temporary inspection and testing technician certification for a period of more than three certification-years in the life of the individual, which must be consecutive in nature.

(d) At the end of the base year or any extensions, the temporary inspection and testing technician may provide to the chief of the Washington state patrol, through the director of fire protection, satisfactory evidence of attaining certification as an inspection and testing technician as described in subsection (1) or (2) of this section. Such evidence shall qualify the individual to become an inspection and testing technician.

(e) Any temporary inspection and testing technician who fails to meet the qualifications described in subsection (1) or (2) of this section after the expiration of either their temporary status, or who does not show satisfactory evidence qualifying them for any of two one-certification-year extensions as described in (c) of this subsection, shall not be renewed as a temporary inspection and testing technician and not allowed to continue performing such work until such time as they meet the qualification requirements described in subsection (1) or (2) of this section.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-175, filed 8/16/05, effective 9/16/05.]

WAC 212-80-180 Application/fees for inspection and testing technician certification. Every applicant for certification as an inspection and testing technician shall apply to the chief of the Washington state patrol, through the director of fire protection, on application forms provided and pay the fees required.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-180, filed 8/16/05, effective 9/16/05.]

WAC 212-80-185 Inspection and testing technician certification not transferable. An inspection and testing technician certification issued under this regulation is not transferable. This certification can, however, follow the inspection and testing technician to another employer provided that employer is currently licensed by this office for work covered by this certification.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-185, filed 8/16/05, effective 9/16/05.]

WAC 212-80-188 Inspection and testing technician employment. (1) In no case shall an inspection and testing technician be employed full time by more than one fire protection sprinkler system contractor at the same time.

(2) If the inspection and testing technician should leave the employment of the fire protection sprinkler system contractor, he or she shall notify the chief of the Washington state patrol, through the director of fire protection, within thirty days of the last day of employment.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-188, filed 8/16/05, effective 9/16/05.]

WAC 212-80-190 Inspection and testing technician renewal certificates. (1) All inspection and testing technicians who desire to maintain a current certificate shall, prior to January 1 of each year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fees as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal forms shall be provided by the chief of the Washington state patrol, through the director of fire protection, upon request, and the technician shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) The chief of the Washington state patrol, through the director of fire protection, may suspend the inspection and testing technician certification for failure to apply for a renewal of their technician certificate within sixty days after the expiration date.

(4) The chief of the Washington state patrol, through the director of fire protection, upon receipt of payment for all delinquent fees and a late charge may restore an inspection and testing technician certification that had been suspended.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-190, filed 8/16/05, effective 9/16/05.]

WAC 212-80-195 Inspection and testing technician—Prorated fees. The initial inspection and testing technician fee shall be prorated based upon the portion of the year such certification is in effect, prior to renewal on January 1.

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EXCEPTION: Any individual who attempts to certify with the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual certification fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for uncertified operation(s).

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-195, filed 8/16/05, effective 9/16/05.]

WAC 212-80-200 Suspension or revocation of licenses. (1) The chief of the Washington state patrol, through the director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the license of an inspection and testing contractor to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of layout drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business.

(d) Use of false evidence or misrepresentation in an application for a license.

(e) Permitting his or her license to be used in connection with the installation of any system when such installation is not under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The chief of the Washington state patrol, through the director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or an inspection and testing contractor who engages in the fire protection sprinkler system business while the license is suspended.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-200, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-200, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-135, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-135, filed 7/1/91, effective 8/1/91.]

WAC 212-80-205 Suspension or revocation of certificates. (1) The chief of the Washington state patrol, through the director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a certificate of competency holder as defined in RCW 18.160.101(1) or of a state certified fire sprinkler system inspection and testing technician, as defined in WAC 212-80-010, to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of layout drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business.

(d) Use of false evidence or misrepresentation in an application for a certificate of competency.

(e) Permitting his or her certificate to be used in connection with the preparation of any layout drawings, installation, maintenance, inspection, service or certification of any system when such activity is not under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The chief of the Washington state patrol, through the director of fire protection shall revoke the certificate of a certificate of competency holder or a state certified fire sprinkler inspection and testing technician who engages in the fire protection sprinkler system business while the certificate of competency is suspended.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-205, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-205, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-065, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-065, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-065, filed 7/1/91, effective 8/1/91.]

WAC 212-80-210 Imposing citations and civil penalties. The chief of the Washington state patrol, through the director of fire protection, may impose civil penalties and/or fines to any licensed company or certified individual who violates any provision of chapter 18.160 RCW or this chapter. Moreover, the chief of the Washington state patrol, through the director of fire protection, may impose the civil penalties and/or fines listed herein to any unlicensed company or uncertified individual who operates in the state of Washington as a licensed company and/or certified individual.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-210, filed 2/4/05, effective 3/7/05.]

WAC 212-80-215 Citations and penalties. (1) These rules establish the basis and process by which the citations and penalties will be determined and issued for violations of chapter 18.160 RCW and/or chapter 212-80 WAC.

(2) Each violation is classified and penalties assessed according to the violation type and instance as defined by this chapter.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-215, filed 2/4/05, effective 3/7/05.]

WAC 212-80-220 General rules of citations and penalties. (1) These rules establish civil penalty criteria for violation Types I, II, and III and the instances for each type of violation.

(2) These rules apply to persons who violate the intent, chapter, and requirements of chapter 18.160 RCW and/or chapter 212-80 WAC.

(3) Each separate instance of noncompliance with chapter 18.160 RCW and/or chapter 212-80 WAC shall be considered a separate violation.

(4) Each day the violation continues may be considered a separate violation.

(5) In addition to the issuance of citations and/or penalties, the chief of the Washington state patrol, through the director of fire protection, may also revoke, suspend, and/or deny the renewal of any license or certificate issued under chapter 18.160 RCW to person(s) and/or company(ies) who fails to pay any penalties assessed under these rules. Such action does not preclude the chief of the Washington state patrol, through the director of fire protection, from assessing further violations for unlicensed and/or uncertified operations.

(6) The penalty for each violation shall range from \$0.00 to \$5,000.00 per day per violation per occurrence.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-220, filed 2/4/05, effective 3/7/05.]

WAC 212-80-225 Violation types, instances, and penalty assessments. (1) Penalties shall be assessed according to the violation type.

(2) The violation types are as follows:

(a) Minimal - Type I;

(b) Moderate - Type II; and

(c) Severe - Type III.

(3) The instances are as follows:

(a) 1st - The first time the individual, person, and/or company is in violation of chapter 18.160 RCW and/or chapter 212-80 WAC in any one calendar year, regardless of the number of individual violations or the duration of them;

(b) 2nd - The second time the individual, person, and/or company is in violation of chapter 18.160 RCW and/or chapter 212-80 WAC in any one calendar year, regardless of the number of individual violations or the duration of them; and

(c) 3rd - The third time the individual, person and/or company is in violation of chapter 18.160 RCW and/or chapter 212-80 WAC in any one calendar year, regardless of the number of individual violations or the duration of them.

(4) In the event of a fourth instance in any one calendar year, that company and/or individual will no longer be allowed to work in the sprinkler field in the state of Washington. This decision may be appealed, pursuant to RCW 74.20A.320.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-225, filed 2/4/05, effective 3/7/05.]

WAC 212-80-230 Hearings. (1) Any person may request a hearing regarding the assessment of a civil penalty.

(2) Hearings requests shall be filed with the chief of the Washington state patrol, through the director of fire protection, within thirty days of the date of the service of a civil penalty.

(3) Any person who requests a hearing shall be entitled to a hearing.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-230, filed 2/4/05, effective 3/7/05.]

WAC 212-80-235 Informal conference. (1) The chief of the Washington state patrol, through the director of fire protection, will provide an opportunity for a person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing. However, it shall not exceed nor extend their thirty-day timeline allotted for the request of a formal hearing - regardless of the outcome.

(3) The request for an informal hearing may be in any form and:

(a) Shall be addressed to the chief of the Washington state patrol, through the director of fire protection; and

(b) Clearly state the subject to be discussed.

(4) As a result of an informal conference, the chief of the Washington state patrol, through the director of fire protection, may for good cause choose to amend, withdraw, or reduce the civil penalty.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-235, filed 2/4/05, effective 3/7/05.]

WAC 212-80-240 Formal hearing. (1) A person may request a formal hearing at any time before or after the request of an informal conference, as long as the thirty day period allotted has not elapsed.

(2) The chief of the Washington state patrol, through the director of fire protection, will arrange for a hearings officer to conduct the formal hearing.

(3) The chief of the Washington state patrol, through the director of fire protection, will set a date, time, and location for the formal hearing.

(4) The chief of the Washington state patrol, through the director of fire protection, will notify by letter the person requesting the hearing (or their designated representative) of the date, time, location, and hearings officer conducting the formal hearing.

(5) The hearings officer will hear the case and, within ninety days of the hearing, render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapter 34.05 RCW.

(6) The formal hearing shall be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person who requested the hearing to be represented by legal council.

(c) An official record shall be made through a scribe.

(d) Testimony shall be taken under oath.

(e) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(f) Hearsay evidence is admissible if it meets the statutory standards for being reliable and trustworthy.

(g) A proposed opinion and order will be provided.

(7) The proposed opinion and order shall be reviewed by the chief of the Washington state patrol, through the director of fire protection, and if accepted be finalized and issued as a final order.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-240, filed 2/4/05, effective 3/7/05.]

WAC 212-80-245 Penalty adjustments. (1) The assessment of adjustment of penalties for amounts other than those set by chapter 18.160 RCW shall be done only by the chief of the Washington state patrol, through the director of fire protection, through a hearings process either formally or informally.

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(2) The assessment of penalties for not being in conformance with chapter 18.160 RCW and/or chapter 212-80 WAC may be made only after considering:

(a) The gravity and magnitude of the violation.

(b) The person's previous record.

(c) Such other considerations as the chief of the Washington state patrol, through the director of fire protection, may consider appropriate.

(3) During a formal hearing or informal conference, the chief of the Washington state patrol, through the director of fire protection, may modify or adjust the citation, cited violations, and/or penalties assessed in order to meet the requirements of these rules and to ensure uniformity and consistency in their application statewide.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-245, filed 2/4/05, effective 3/7/05.]

WAC 212-80-250 Payment of civil penalty. (1) The penalty shall be paid to the chief of the Washington state patrol, through the director of fire protection, within twenty-eight days after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) The attorney general may bring an action in the name of the chief of the Washington state patrol, through the director of fire protection, in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-250, filed 2/4/05, effective 3/7/05.]

WAC 212-80-255 Type I (minimal) violations. (1) Type I violations are subject to penalties ranging from a warning to two hundred dollars a day depending upon the instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type I violations include, but are not limited to:

(a) Failing to inform the chief of the Washington state patrol, through the director of fire protection, of the loss of their primary certificate of competency holder, as required by RCW 18.160.40.

(b) Failing to have the certificate of competency holder stamp plans, calculations, and/or test certificates.

(c) Allowing an employee to certify, install, inspect, maintain, and/or service water based fire sprinkler systems or equipment contrary to NFPA codes, standards, or manufacturers' specifications without specific written permission from the local authority having jurisdiction.

(d) Working without a permit, or permission to do so, by the local authority having jurisdiction.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-255, filed 2/4/05, effective 3/7/05.]

WAC 212-80-260 Type II (moderate) violations. (1) Type II violations are subject to penalties ranging from two hundred dollars to five hundred dollars a day depending upon instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type II violations include, but are not limited to:

(a) Performing work on a sprinkler system where the employee's certificate of competency holder under RCW 18.160.40 does not have a current or valid license.

(b) Working without the appropriate level of license or certificate of competency.

(c) Permitting his or her license to be used in connection with the preparation of any technical drawings that have not been prepared by him or her personally, or under their direct supervision.

(d) Working with an expired license or permit (more than ninety days).

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-260, filed 2/4/05, effective 3/7/05.]

WAC 212-80-265 Type III (serious) violations. (1) Type III violations are subject to penalties ranging from five hundred dollars to five thousand dollars a day depending on instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type III violations include, but are not limited to:

(a) Demonstrating gross incompetency or gross negligence in the preparation of technical drawings, the installation, inspection, testing, maintenance, repair, alteration, service, and/or addition to a fire sprinkler system.

(b) Allowing an employee to demonstrate gross incompetency or gross negligence in the installation, inspection, testing, maintenance, repair, alteration, service and/or addition to a fire sprinkler system.

(c) Charging a customer for fire sprinkler work not performed.

(d) Offering to contract for fire sprinkler work without a certificate of competency holder, as described in RCW 18.160.040.

(e) Allowing an employee to falsify any fire sprinkler tags, labels, or inspection reports.

(f) Working without a certified full-time certificate of competency holder on staff, or, in the case of an inspection and testing contractor, allowing any employee not certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician.

(g) Falsifying an application or document submitted to the chief of the Washington state patrol, through the director of fire protection, to obtain a sprinkler contractor license or certificate of competency.

(h) Committing three or more Level II offenses within a three year period either as a company, through an employee of the company, through an employee acting as a certificate of competency holder for the company, and/or any combination thereof.

(i) Permitting his or her license to be used in connection with the stamping of any test certificates for work performed by someone other than his or her full-time employees.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-265, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-265, filed 2/4/05, effective 3/7/05.]

Title 220 WAC

FISH AND WILDLIFE, DEPARTMENT OF (FISHERIES)

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Chapter 220-16 WAC

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WAC 220-16-260 Puget Sound Crab Management Regions. The following areas are defined as Puget Sound Crab Management Regions:

(1) Crab Management Region 1 - (North Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.

(2) Crab Management Region 2-East - (Eastern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E (see WAC 220-52-046).

(3) Crab Management Region 2-West - (Western Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A-W (see WAC 220-52-046).

(4) Crab Management Region 3, subarea 3-1 - (Eastern Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.

(5) Crab Management Region 3, subarea 3-2 - (Central Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.

(6) Crab Management Region 3, subarea 3-3 - (Western Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.

(7) Crab Management Region 4 - (Southern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C.

(8) Crab Management Region 5 - (Hood Canal). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25C, 27A, 27B, and 27C.

(9) Crab Management Region 6 - (South Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

[Statutory Authority: RCW 77.12.047. 06-01-013 (Order 05-275), § 220-16-260, filed 12/9/05, effective 1/9/06; 01-03-016 (Order 00-271), § 220-16-260, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-260, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-16-470 Wild. "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish. When "wild" is used to describe a salmon, "wild" means a salmon with an unclipped adipose fin, regardless of whether the salmon is ventral fin clipped. A salmon with a clipped adipose fin and having a healed scar at the site of the clipped fin is not a wild salmon.

[Statutory Authority: RCW 77.12.047. 05-17-007 (Order 05-168), § 220-16-470, filed 8/3/05, effective 9/3/05; 04-16-126 (Order 04-201), § 220-16-470, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-16-470, filed 8/27/97, effective 9/27/97.]

WAC 220-16-820 Golden Gardens Marine Preserve. "Golden Gardens Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Golden Gardens city park, bounded on the southwest by a line projected northwest from a sign at the walkway entrance to the beach, and on the northeast by a line projected due west from 122°24'07.2" W, 47°41'51.8" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-820, filed 4/7/05, effective 5/8/05.]

WAC 220-16-830 Carkeek Park Marine Preserve. "Carkeek Park Marine Preserve" is defined as two sections of tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Carkeek city park, with a southern section bounded on the south by a line projected perpendicular to the beach from 122°22'49.0" W, 47°42'31.7" N and bounded on the north by a line projected northwest from 122°22'47.41" W, 47°42'43.51" N, and with a northern section bounded on the south by a line projected due west from a point 300 yards north of 122°22'47.41" W, 47°42'43.51" N and bounded on the north by a line projected due west from a point 500 yards north of 122°22'47.41" W, 47°42'43.51" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-830, filed 4/7/05, effective 5/8/05.]

WAC 220-16-840 Lincoln Park Marine Preserve. "Lincoln Park Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Lincoln city park, bounded on the south by a line projected due west from

122°23'40.4" W, 47°31'33.1" N, and bounded on the north by a line projected due west from 122°24'05.0" W, 47°31'49.8" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-840, filed 4/7/05, effective 5/8/05.]

WAC 220-16-850 Discovery Park Marine Preserve. "Discovery Park Marine Preserve" is defined as two sections of tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Discovery city park, with a southern section located south of West Point bounded on the southeast by a line projected west-southwest from 122°25'31.7" W, 47°39'26.8" N and bounded on the northeast by a line projected west-southwest from the sign posted at the sidewalk entrance to the beach, and with a northern section bounded on the southwest by a line projected northwest from 122°25'20.7" W, 47°40'3.3" N and bounded on the northeast by a line projected northwest from 122°25'4.2" W, 47°40'11.1" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-850, filed 4/7/05, effective 5/8/05.]

WAC 220-16-860 Emma Schmitz Marine Preserve. "Emma Schmitz Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Emma Schmitz city park, bounded on the south by a line projected along the north edge of SW Oregon Street and bounded on the north by a line projected west-southwest from the high tide line at 122°24'26.5" W, 47°33'53.5" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-860, filed 4/7/05, effective 5/8/05.]

WAC 220-16-870 Richey Viewpoint Marine Preserve. "Richey Viewpoint Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Richey Viewpoint city park, bounded on the southeast by a line projected due west from 122°24'49.0" W, 47°34'20.2" N, and bounded on the northwest by a line projected southwest from 122°25'8.8" W, 47°34'30.0" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-870, filed 4/7/05, effective 5/8/05.]

Chapter 220-20 WAC GENERAL PROVISIONS

WAC

220-20-010	General provisions—Lawful and unlawful acts— Salmon, other food fish and shellfish.
220-20-100	General provisions—Marine protected areas.

WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other food fish and shellfish. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the spe-

cies, quantities, sizes or sexes provided for in the regulations of the department.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(<i>Hippoglossus stenolepis</i>)
Pacific herring	(<i>Clupea harengus pallasii</i>)
(except as prescribed in WAC 220-49-020)	
Salmon	
Chinook	(<i>Oncorhynchus tshawytscha</i>)
Coho	(<i>Oncorhynchus kisutch</i>)
Chum	(<i>Oncorhynchus keta</i>)
Pink	(<i>Oncorhynchus gorbuscha</i>)
Sockeye	(<i>Oncorhynchus nerka</i>)
Masu	(<i>Oncorhynchus masu</i>)
Pilchard	(<i>Sardinops sagax</i>)
Except as provided for in WAC 220-88C-040	

(4) It shall be unlawful for any person to fish for food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed in a visible and legible manner the department approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the corkline of the net, on which shall be marked in a visible, legible and permanent manner the name and gill net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets

or brush weirs or to gear being tested under supervision of the department, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47°20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department.

(9) It shall be unlawful for any person licensed by the department to fail to make or return any report required by the department relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net or club in the landing of food fish taken by personal-use angling unless otherwise provided and it shall be lawful to use a gaff in the landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commer-

cial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director, or to perform any act not specifically authorized in said document or in the regulations of the commission or director.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fish and wildlife enforcement office in Olympia prior to testing.

(18) It is unlawful for any person or corporation either licensed by the department or bringing food fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

(19) It is unlawful for any person to possess live bottom fish taken under a commercial fishery license.

(20) It is unlawful for any person to use chemical irritants to harvest fish, shellfish or unclassified marine invertebrates except as authorized by permit issued by the department.

[Statutory Authority: RCW 77.12.047, 05-08-056 (Order 05-53), § 220-20-010, filed 3/30/05, effective 4/30/05; 02-08-048 (Order 02-53), § 220-20-010, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-20-010, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080, 00-01-096 (Order 99-214), § 220-20-010, filed 12/15/99, effective 1/15/00. Statutory Authority: RCW 75.08.080, 77.12.040, 98-15-081 (Order 98-122), § 220-20-010, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 98-15-031 (Order 98-120), § 220-20-010, filed 7/7/98, effective 8/7/98. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-20-010, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 93-15-051, § 220-20-010, filed 7/14/93, effective 8/14/93; 91-08-054 (Order 91-13), § 220-20-010, filed 4/2/91, effective 5/3/91; 91-01-023, § 220-20-010, filed 12/10/90, effective 1/10/91; 89-02-022 (Order 88-186), § 220-20-010, filed 12/29/88; 88-10-013 (Order 88-15), § 220-20-010, filed 4/26/88; 85-09-017 (Order 85-20), § 220-20-010, filed 4/9/85; 85-08-023 (Order 85-24), § 220-20-010, filed 4/1/85; 84-08-014 (Order 84-24), § 220-20-010, filed 3/27/84; 82-15-040 (Order 82-83), § 220-20-010, filed 7/15/82; 82-07-047 (Order 82-19), § 220-20-010, filed 3/18/82; 81-02-053 (Order 81-3), § 220-20-010, filed 1/7/81; 80-10-058 (Order 80-83), § 220-20-010, filed 8/6/80; 80-07-017 (Order 80-45), § 220-20-010, filed 6/11/80; 79-10-013 (Order 79-75), § 220-20-010, filed 9/7/79; Order 77-14, § 220-20-010, filed 4/15/77; Order 76-148, § 220-20-010, filed 12/2/76; Order 1193, § 220-20-010, filed 3/4/75; Order 1179, § 220-20-010, filed 11/19/74; Order 1106, § 220-20-010, filed 1/10/74; Order 1057, § 220-20-010, filed 5/22/73; Order 945, § 220-20-010, filed 8/16/71; Order 920, § 220-20-010, filed 5/13/71; Order 817, § 220-20-010, filed 5/29/69; Order 810, § 220-20-010, filed 4/17/69; Order 771-A, § 220-20-010, filed 3/29/68; Order 767, § 1, filed 12/22/67; Order 758, § 3, filed 10/16/67; Order 726, §§ 2, 3, filed 4/24/67; Order 721, § 1, filed 3/9/67; Subsections 1, 2 from Orders 405 and 256, filed 3/1/60; Subsection 3 from Order 677, filed 3/31/66; Subsection 16 from Order 525, filed 5/3/61; Orders 355 and 256, filed 3/1/60; Subsection 4 from Order 591, filed 10/28/63; Orders 479 and 256, filed 3/1/60; Subsection 5 from Orders 383 and 256, filed 3/1/60; Subsections 6, 26, 35 from Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsections 7-11, 13-15, 17, 18, 22 from Orders 355 and 256, filed 3/1/60; Subsection 12 from Orders 407 and 256, filed 3/1/60; Subsections 19, 27 from Orders 480 and 256, filed 3/1/60; Subsection 20 from Order 677, filed 3/31/66; Orders 483 and 256, filed 3/1/60; Subsection 23 from Order 677, filed 3/31/66; Order 605, filed 4/21/64; Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsection 24 from Order 605, filed 4/21/64; Orders 407 and 256, filed 3/1/60; Subsection 25 from Orders 449 and 256, filed 3/1/60; Subsections 28-33 from Orders 456 and 256, filed 3/1/60; Subsection 34 from Orders 486 and 256, filed 3/1/60; Subsection 36 from Order 591, filed 10/28/63; Subsections 37 and 38 from Order 677, filed 3/31/66; Subsection 39 from Order 672, filed 12/28/65.]

WAC 220-20-100 General provisions—Marine protected areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Zee's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

[Statutory Authority: RCW 77.12.047, 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05, effective 5/8/05; 02-08-048 (Order 02-53), § 220-20-100, filed 3/29/02, effective 5/1/02.]

Chapter 220-36 WAC

GRAYS HARBOR

WAC

220-36-023

Grays Harbor salmon—Fall fishery.

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon and sturgeon. All nonlegal sturgeon and steelhead must be handled with care to minimize injury and released immediately:

Time

7:30 a.m. October 8 through
6:30 p.m. October 8, 2005
9:30 a.m. October 13 through
5:30 p.m. October 13, 2005,
and 10:30 a.m. October 14
through 6:30 p.m. October
14, 2005

Areas

2C

That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

AND

That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(i) Fishers must take department observers if requested by department staff when participating in these openings, and provide notice of intent to participate by contact to the quick reporting phone, fax or e-mail, WAC 220-69-240, prior to 10:00 a.m. the day preceding each opening.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
7:30 a.m. October 15 through 6:30 p.m. October 15, 2005	Area 2B
7:30 a.m. October 16 through 6:30 p.m. October 16, 2005	
7:30 a.m. October 28 through 6:30 p.m. October 28, 2005, and	
7:30 a.m. October 29 through 6:30 p.m. October 29, 2005	

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(d) Fishers must take department observers if requested by department staff when participating in these fisheries. Notice of intent to participate not required.

[Statutory Authority: RCW 77.12.047, 05-17-006 (Order 05-167), § 220-36-023, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-36-023, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-36-023, filed 8/20/03, effective 9/20/03; 01-13-055 (Order 01-104), § 220-36-023, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-36-023, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080, 99-24-104 (Order 99-206), § 220-36-023, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-36-023, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-15-148 (Order 97-123), § 220-36-023, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-023, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-023, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-023, filed 6/3/94, effective 7/4/94; 93-14-042 (Order 93-54), § 220-36-023, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-36-023, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-023, filed 7/28/89, effective 8/28/89.]

Chapter 220-40 WAC

WILLAPA HARBOR

WAC

220-40-027 Salmon—Willapa Bay fall fishery.

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time

6:00 p.m. September 18 through 6:00 p.m. September 23, 2005

6:00 p.m. September 21 through 6:00 p.m. September 22 and 6:00 p.m. September 28 through 6:00 p.m. September 29, 2005

6:00 p.m. September 24 through 6:00 p.m. October 3, 2005

6:00 p.m. October 9 through 6:00 p.m. October 11, 2005

6:00 p.m. October 17 through 6:00 p.m. October 20, and 6:00 p.m. October 24 through 6:00 p.m. October 27, 2005

Noon, November 6 through noon November 30, 2005

Area

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of Willapa Channel Marker 40, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2) Area 2K

Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2) Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and

east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) September 1 through October 3, 2005 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(c) October 4 through October 31, 2005 - 6-1/2 inch maximum mesh.

(d) November 1 through November 30, 2005 - 9-inch minimum mesh.

Other

(4) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

[Statutory Authority: RCW 77.12.047, 05-17-006 (Order 05-167), § 220-40-027, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-40-027, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080, 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-027, 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

Chapter 220-44 WAC

COASTAL WATERS—MARINE FISH

WAC

220-44-035 Highly migratory species fisheries—Possession and landing requirements—Gear restriction.

WAC 220-44-035 Highly migratory species fisheries—Possession and landing requirements—Gear restriction. It is unlawful to possess, transport through the waters of the state, or land into any Washington port highly migratory species taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in violation of any permit or data collection requirements, established by the Pacific Fishery Management Council and published in the *Federal Register*, Volume 70, No. 27, published February 10, 2005. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at 360-902-2930. Except as authorized under the federal rules referenced

in this section, it is unlawful to use drift gill net gear in state and offshore waters west of the Bonilla-Tatoosh line, north of the Washington-Oregon boundary, and south of the United States-Canada boundary.

[Statutory Authority: RCW 77.12.047, 05-17-003 (Order 05-165), § 220-44-035, filed 8/3/05, effective 9/3/05; 02-02-051 (Order 01-288), § 220-44-035, filed 12/27/01, effective 1/27/02.]

Chapter 220-47 WAC

PUGET SOUND—SALMON

WAC

220-47-001	Puget Sound salmon—Quick reporting.
220-47-302	Puget Sound—Lawful gear—Gill net.
220-47-311	Purse seine—Open periods.
220-47-325	Purse seine—Release of incidentally caught fish.
220-47-401	Reef net open periods.
220-47-411	Gill net—Open periods.
220-47-428	Beach seine—Open periods.

WAC 220-47-001 Puget Sound salmon—Quick reporting. All Puget Sound salmon fisheries are designated as "quick reporting required" fisheries, and commercial purchasers and receivers must comply with the provisions of WAC 220-69-240(10).

[Statutory Authority: RCW 77.12.047, 05-17-002 (Order 05-166), § 220-47-001, filed 8/3/05, effective 9/3/05. Statutory Authority: RCW 75.08.080, 78-05-018 (Order 78-16), § 220-47-001, filed 4/13/78; Order 77-14A, § 202-47-001 (codified as WAC 220-47-001), filed 4/21/77; Order 77-14, § 220-47-001, filed 4/15/77.]

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) It is unlawful to use drift gill net salmon gear in Puget Sound that exceeds 1,800 feet in length or contains meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 mesh deep, or contain mesh size less than 5 inches.

(2) It is unlawful to use skiff gill net salmon nets in Puget Sound that exceed 300 feet in length or 90 meshes in depth, or contain meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 meshes deep, or contain mesh size less than 5 inches. It is unlawful to retrieve skiff gill nets by any means except hand (no hydraulics may be used). It is unlawful to fail to attend skiff gill nets at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210/30d (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October 16 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measure-

ment of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

[Statutory Authority: RCW 77.12.047, 05-17-002 (Order 05-166), § 220-47-302, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-302, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-302, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080, 99-24-011 (99-202), § 220-47-302, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-302, filed 7/29/97, effective 8/29/97; 93-14-041 (Order 93-55), § 220-47-302, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-302, filed 7/20/92, effective 8/20/92; Order 988, § 220-47-302, filed 4/28/72.]

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 6PM with use of recovery box	10/12, 10/13, 10/19, 10/20, 10/26, 10/27
	7AM - 5PM without use of recovery box	
	7AM - 5PM with use of recovery box	11/2, 11/3
	7AM - 2:30PM without use of recovery box	
7B, 7C:	6AM - 8PM	8/17, 8/24, 8/31
	7AM - 7PM	9/7
7B:	7AM - 7PM	- 9/12, 9/13, 9/14
	7AM 9/18	- 8PM 10/29
	7AM 10/31	- 4PM 11/4
	7AM 11/7	- 4PM 11/11

7AM 11/14	- 4PM 11/18
7AM 11/21	- 4PM 11/25
8AM 11/28	- 4PM 12/2

Note: That portion west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W) then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W) then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then south-eastward along that line to Fish Point is closed 9/1-9/30.

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.

8A:	7AM - 7PM	Limited participation - two boats (9/26, 10/3).
	7AM - 6PM	10/10, 10/17, 10/24, 10/26
	7AM - 5PM	11/2, 11/7, 11/9, 11/16
	7AM - 4PM	11/21, 11/23
8D:	7AM - 7PM	9/22, 9/26, 10/3
	7AM - 6PM	10/10, 10/17, 10/24, 10/26
	7AM - 5PM	11/2, 11/7, 11/9, 11/16
	7AM - 4PM	11/21, 11/23
10, 11:	7AM - 6PM	10/10, 10/17, 10/24, 10/26
	7AM - 5PM	10/31, 11/7, 11/14
	7AM - 4PM	11/21
12, 12B:	7AM - 6PM	10/17, 10/24, 10/26
	7AM - 5PM	10/31, 11/7, 11/14
12C:	7AM - 5PM	11/8, 11/15
	7AM - 4PM	11/22

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C and after October 30 in Area 7B

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 11 in Area 7B

Sockeye salmon - prior to September 24 in Areas 7B and 7C

Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047, 05-17-002 (Order 05-166), § 220-47-311, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-311, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-311, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-311, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-311, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-311, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-311, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-311, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-311, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-311, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-311, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-311, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-311, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-311, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-311, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-311, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-311, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-311, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-311, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-311, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-311, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-311, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-311, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-311, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-311, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-311, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-311, filed 4/13/78; Order 77-66, § 220-47-311, filed 8/5/77; Order 77-14, § 220-47-311, filed 4/15/77; Order 76-41, § 220-47-311, filed 6/4/76; Order 1251, § 220-47-311, filed 8/18/75; Order 1210, § 220-47-311, filed 5/26/75; Order 1143, § 220-47-311, filed 8/8/74; Order 1125, § 220-47-311, filed 6/6/74;

Order 1066, § 220-47-311, filed 7/19/73; Order 1057, § 220-47-311, filed 5/22/73; Order 988, § 220-47-311, filed 4/28/72.]

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) In Areas 7 and 7A and prior to September 5 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) Fishers using a recovery box must have and operate the box in compliance with the provisions of WAC 220-47-302 (5)(a) through (f), and it is unlawful to fail to do so.

[Statutory Authority: RCW 77.12.047, 05-17-002 (Order 05-166), § 220-47-325, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-325, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-325, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080, 99-24-011 (99-202), § 220-47-325, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-325, filed 7/29/97, effective 8/29/97.]

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management

AREA	TIME		
6D: Skiff gill net only.	7 AM	-	7 PM

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

AREA	TIME			DATE(S)	MINIMUM MESH
7, 7A:	7AM	-	8PM Use of recovery box required	10/12, 10/13	6 1/4"
	8AM	-	8PM	10/19, 10/20, 10/26, 10/27	6 1/4"
	7AM	-	7PM	11/2, 11/3	6 1/4"

Note: In Areas 7 and 7A after September 30 but prior to October 16, coho and chinook salmon must be released and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

AREA	TIME			DATE(S)	MINIMUM MESH
7B/7C:	7PM	-	7AM	NIGHTLY 8/15, 8/21, 8/23, 8/25, 8/28, 8/30, 9/1	7"
	6PM	-	8AM	NIGHTLY 9/5, 9/6, 9/8	7"
7B:	6PM	-	8AM	NIGHTLY 9/11, 9/13, 9/15	5"
	7AM 9/18	-	8PM 10/29		5"
	7AM 10/31	-	4PM 11/4		6 1/4"
	7AM 11/7	-	4PM 11/11		6 1/4"
	7AM 11/14	-	4PM 11/18		6 1/4"
	7AM 11/21	-	4PM 11/25		6 1/4"
	8AM 11/28	-	4PM 12/2		6 1/4"

and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	-	DATE(S)
7, 7A	7AM - 7PM Daily		9/25 - 11/12

(2) It is unlawful to retain chinook salmon taken with reef net gear at all times, and it is unlawful to retain chum or wild coho salmon taken with reef net gear prior to October 1.

(3) All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047, 05-17-002 (Order 05-166), § 220-47-401, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-401, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-401, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-401, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-401, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-401, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-401, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-401, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-401, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-401, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-401, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-401, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-401, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-401, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-401, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-401, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-401, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-401, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-401, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-401, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-401, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-401, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-401, filed 4/13/78; Order 77-66, § 220-47-401, filed 8/5/77; Order 77-14, § 220-47-401, filed 4/15/77; Order 76-41, § 220-47-401, filed 6/4/76; Order 1210, § 220-47-401, filed 5/26/75; Order 1143, § 220-47-401, filed 8/8/74; Order 1125, § 220-47-401, filed 6/6/74; Order 1066, § 220-47-401, filed 7/19/73; Order 1057, § 220-47-401, filed 5/22/73; Order 988, § 220-47-401, filed 4/28/72.]

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME		DATE(S)	MINIMUM MESH	
Note: That portion west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W) then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W) then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point is closed 9/1-9/30.					
Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and is open until 6:00 PM on the first Friday in December.					
8A:	6PM	-	8AM	NIGHTLY 10/4	5"
	5PM	-	8AM	NIGHTLY 10/11, 10/13, 10/14	5"
	8AM	-	8PM	10/18, 10/20, 10/21	5"
	8AM	-	8PM	10/24, 10/25, 10/26, 10/27	6 1/4"
	7AM	-	7PM	11/1, 11/3, 11/4, 11/8, 11/10, 11/11, 11/15, 11/17, 11/18	6 1/4"
8D:	7AM	-	6PM	11/22, 11/24, 11/25	6 1/4"
	6PM	-	8AM	NIGHTLY 9/18, 9/20, 9/22, 9/25, 9/27, 9/29, 10/2, 10/4, 10/6	5"
	5PM	-	8AM	NIGHTLY 10/9, 10/11, 10/13, 10/16, 10/18, 10/20	5"
	8AM	-	8PM	10/27, 10/28	5"
	7AM	-	7PM	11/3, 11/4	5"
9A:	7AM	-	7PM	11/10, 11/11, 11/17, 11/18	6 1/4"
	7AM	-	6PM	11/24, 11/25	6 1/4"
	7PM	-	7AM	NIGHTLY 8/23, 8/25	5"
	7AM 8/28	-	8PM 10/29		5"
	Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.				
10, 11:	4PM	-	7AM	NIGHTLY 10/9	6 1/4"
	5PM	-	8AM	NIGHTLY 10/11, 10/12	6 1/4"
	4PM	-	7AM	NIGHTLY 10/16	6 1/4"
	5PM	-	8AM	NIGHTLY 10/18, 10/19, 10/23, 10/25, 10/26	6 1/4"
	4PM	-	7AM	NIGHTLY 10/30	6 1/4"
	4PM	-	8AM	NIGHTLY 11/1, 11/2	6 1/4"
	4PM	-	7AM	NIGHTLY 11/6	6 1/4"
	4PM	-	8AM	NIGHTLY 11/8, 11/9	6 1/4"
	4PM	-	7AM	NIGHTLY 11/13	6 1/4"
	4PM	-	8AM	NIGHTLY 11/15, 11/16	6 1/4"
	4PM	-	7AM	NIGHTLY 11/20	6 1/4"
	3PM	-	8AM	NIGHTLY 11/22, 11/23	6 1/4"
	12A: Skiff gill net only.	7AM	-	7PM	8/22, 8/31, 9/7, 9/14, 9/21, 9/28
Note: In Area 12A it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 12A at any time, any salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.					
12, 12B:	8AM	-	8PM	10/18, 10/19, 10/20, 10/25, 10/27, 10/28	6 1/4"
	7AM	-	7PM	11/1, 11/2, 11/3, 11/8, 11/9, 11/10, 11/15, 11/16, 11/17	6 1/4"
12C:	7AM	-	7PM	11/8, 11/9, 11/10, 11/15, 11/16, 11/17	6 1/4"
	7AM	-	6PM	11/22, 11/23, 11/24	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

[Statutory Authority: RCW 77.12.047. 05-17-002 (Order 05-166), § 220-47-411, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-411, filed 8/4/04, effective 9/4/04; 03-16-101 (Order 03-179), § 220-47-411, filed 8/6/03, effective 9/6/03; 02-16-004 (Order 02-167), § 220-47-411, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-411, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-411, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-411, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-411, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-411, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-411, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-411, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-411, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-411, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-411, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-411, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-411, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-411, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-411, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-411, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-411, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-411, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-411, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-411, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-411, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-411, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-411, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-411, filed 4/13/78; Order 77-66, § 220-47-411, filed 8/5/77; Order 77-14, § 220-47-411, filed 4/15/77; Order 76-41, § 220-47-411, filed 6/4/76; Order 1251, § 220-47-411, filed 8/18/75; Order 1210, § 220-47-411, filed 5/26/75; Order 1143, § 220-47-411, filed 8/8/74; Order 1125, § 220-47-411, filed 6/6/74; Order 1066, § 220-47-411, filed 7/19/73; Order 1057, § 220-47-411, filed 5/22/73; Order 988, § 220-47-411, filed 4/28/72.]

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas: Closed.

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

[Statutory Authority: RCW 77.12.047. 05-17-002 (Order 05-166), § 220-47-428, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-428, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-428, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-428, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-428, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-428, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-428, filed 11/19/99, effective 12/20/99. Statutory

Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-428, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-428, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-428, filed 7/22/96, effective 8/22/96.]

Chapter 220-52 WAC

SHELLFISH

WAC

220-52-030	Clams—Coastal—Seasons and areas.
220-52-040	Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.
220-52-043	Commercial crab fishery—Additional gear and license use requirements.
220-52-046	Crab fishery—Seasons and areas.
220-52-051	Shrimp fishery—Puget Sound.

WAC 220-52-030 Clams—Coastal—Seasons and areas. (1)(a) It shall be lawful to take, dig for or possess clams, cockles, borers and mussels taken for commercial purposes, not including razor clams, from the tidelands of registered aquaculture farms in Grays Harbor and Willapa Harbor the entire year.

(b) Licensing: No fishery license is required to retain clams taken from registered aquaculture farms but registration is required prior to commercial harvest.

(2)(a) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from Washington waters except during commercial razor clam seasons opened by emergency rule.

(b) Licensing: A razor clam fishery license is the license required to take, dig for or possess razor clams for commercial purposes.

[Statutory Authority: RCW 77.12.047. 05-05-027 (Order 05-17), § 220-52-030, filed 2/10/05, effective 3/13/05. Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-52-030, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-030, filed 4/23/91, effective 5/24/91; 84-08-014 (Order 84-24), § 220-52-030, filed 3/27/84; Order 807, § 220-52-030, filed 1/2/69, effective 2/1/69; Order 770 B, § 220-52-030, filed 2/15/68; Order 718, § 1, filed 1/26/67; subsection 1 from Order 679, filed 4/20/66; Orders 443 and 256, filed 3/1/60; subsection 2 from Order 673, filed 1/24/66; Order 631, filed 1/13/65; Order 599, filed 1/29/64; Order 566, filed 2/8/63; Order 540, filed 1/15/62; Order 524, filed 2/6/61; Order 510, filed 7/8/60; Order 508, filed 4/29/60; Order 506, filed 3/16/60; Orders 482 and 256, filed 3/1/60; subsection 3 from Order 673, filed 1/24/66; Order 599, filed 1/29/64; Orders 499 and 256, filed 3/1/60; subsection 4 from Order 599, filed 1/29/64; Order 567, filed 2/15/63; Order 524, filed 2/6/61; Order 506, filed 3/16/60; Orders 482 and 256, filed 3/1/60; subsection 5 from Order 673, filed 1/24/66.]

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department. Provided, That following the close of a commercial crab season, permission may be granted by the direc-

tor or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 77.65.130.

(5) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

(6) **Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

(7) **Crab buoys and pots tagging requirements.**

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without attached buoy and pot tags that meets the requirements of this subsection.

(b) Coastal crab pot tags: Each shellfish pot used in the coastal Dungeness crab fishery must bear a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person.

(c) Puget Sound crab pot tags: In Puget Sound, all crab pots must have a durable, nonbiodegradable tag securely attached to the pot and permanently and legibly marked with the license owner's name or license number, and telephone

number. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(d) **Crab buoy tags:** The department will issue crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee of seventy cents per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license. Only department-issued crab buoy tags may be used, and each crab pot is required to have a buoy tag.

(e) **Puget Sound replacement crab buoy tags:** Additional tags to replace lost tags will only be issued to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign a declaration under penalty of perjury in the presence of an authorized department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(f) **Coastal replacement crab buoy tags:** Coastal crab license holders with a 300 pot limit will be able to replace up to fifteen lost tags by January 15th, up to a total of thirty lost tags by February 15th, and up to a total of forty-five lost tags after March 15th of each season. Coastal crab license holders with a 500 pot limit will be able to replace up to twenty-five lost tags by January 15th, up to a total of fifty lost tags by February 15th, and up to a total of seventy-five lost tags after March 15th of each season. In the case of extraordinary loss of crab pot gear, the department may, on a case-by-case basis, issue replacement tags in excess of the amount set out in this subsection. Replacement buoy tags for the coastal crab fishery will only be issued after a signed affidavit is received by the department.

(8) **No person can possess or use gear with other person's crab pot tag or crab buoy tag.** No person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, or any buoy not bearing tags issued by the department to that person, except that an alternate operator designated on a primary license may possess and operate crab buoys and crab pots bearing the tags of the license holder.

(9) **Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own buoys and pots.

(10) **Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

(12) **Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a shellfish pot limit has been assigned to the Dungeness crab-coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy shellfish pots unless the person is in possession of valid documentation issued by the department that specifies the shellfish pot limit assigned to the license.

(13) **Determination of coastal crab pot limits.**

(a) The number of shellfish pots assigned to a Washington Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, that show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a shellfish pot limit to a Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997, from December 1, 1997, through September 15, 1998, and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a shellfish pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington,

Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a shellfish pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A shellfish pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one shellfish pot limit.

(14) **Appeals of coastal crab pot limits.** An appeal of a shellfish pot limit by a coastal commercial license holder shall be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.

(15) **Coastal - Barging of crab pots by undesignated vessels.** It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear provided that:

(a) Such a vessel may not carry aboard more than 150 shellfish pots at any one time.

(b) Such a vessel may deploy shellfish pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

(16) **Coastal crab buoys - Registration and use of buoy brands and colors.**

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one license state shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

[Statutory Authority: RCW 77.12.047, 05-21-068 (Order 05-246), § 220-52-040, filed 10/14/05, effective 11/14/05; 01-20-066 (Order 01-219), § 220-52-040, filed 9/28/01, effective 10/29/01; 01-18-005 (Order 01-180), § 220-52-040, filed 8/22/01, effective 9/22/01; 01-11-009 (Order 01-74), § 220-52-040, filed 5/3/01, effective 6/3/01; 00-18-005 (Order 00-164), § 220-52-040, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080, 98-19-012 (Order 98-185), § 220-52-040, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-040, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-040, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-040, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-040, filed 4/23/91, effective 5/24/91; 85-01-010 (Order 84-214), § 220-52-040, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-040, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-040, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-040, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-040, filed 1/30/79; Order 77-145, § 220-52-040, filed 12/13/77; Order 76-152, § 220-52-040, filed 12/17/76; Order 76-26, § 220-52-040, filed 1:45 p.m., 4/20/76; Order 1045, § 220-52-040, filed 3/8/73; Order 807, § 220-52-040, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6, from Orders 409 and 256, filed 3/1/60; subsection 2 from Orders 500 and 256, filed 3/1/60; subsection 3 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Order 507, filed 4/8/60; Orders 409 and 256, filed 3/1/60; subsection 4 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Orders 409 and 256, filed 3/1/60; sub-

section 7 from Orders 414 and 256, filed 3/1/60; subsection 8 from Orders 410 and 256, filed 3/1/60; subsection 9 from Order 409, filed 9/14/56.]

WAC 220-52-043 Commercial crab fishery—Additional gear and license use requirements. (1) **Commercial gear limited to pots and ring nets.** It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) **Commercial gear escape rings and ports defined.** It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) **[Puget Sound] commercial [crab] gear [buoy] tag[ging] requirements.**

(a) In [coastal waters, each] [Puget Sound, all] crab pot[s] must have [the department-issued buoy tag] [a durable, nonbiodegradable tag permanently and legibly marked with the license owner's name or license number, and telephone number] securely attached to the [first buoy on the crab pot buoy line (the buoy closest to the crab pot), and the buoy tag must be attached to the end of that buoy, at the end away from the crab pot buoy line.] [pot. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.]

(b) In Puget Sound[,], all crab buoys must have [the] [a] buoy tag issued to the license owner by the department attached to the outermost end of the buoy line.

[(c)] If more than one buoy is attached to a pot, only one buoy tag is required.

(4) **Puget Sound - Description of lawful buoys.** All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

(5) **Commercial crab license requirements.** In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 77.65.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 77.65.130. To

use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 77.65-.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 77.65 and 77.70 RCW.

(6) **Maximum size for commercial crab pots.** It is unlawful to commercially fish a crab pot greater than thirteen cubic feet in volume used to fish for or take Dungeness crab from state or offshore waters.

(7) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any crab fishing.

[Statutory Authority: RCW 77.12.047, 06-01-013 (Order 05-275), § 220-52-043, filed 12/9/05, effective 1/9/06; 05-21-068 (Order 05-246), § 220-52-043, filed 10/14/05, effective 11/14/05; 01-18-005 (Order 01-180), § 220-52-043, filed 8/22/01, effective 9/22/01; 00-18-005 (Order 00-164), § 220-52-043, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080, 98-19-012 (Order 98-185), § 220-52-043, filed 9/4/98, effective 10/5/98; 94-12-009 (Order 94-23), § 220-52-043, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-043, filed 7/14/93, effective 8/14/93; 84-08-014 (Order 84-24), § 220-52-043, filed 3/27/84; 79-02-053 (Order 79-6), § 220-52-043, filed 1/30/79; Order 77-145, § 220-52-043, filed 12/13/77; Order 1179, § 220-52-043, filed 11/19/74; Order 807, § 220-52-043, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040(1).]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 220-52-046 Crab fishery—Seasons and areas. "Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after 8:00 a.m. October 1st, from one-half hour before sunrise to one-half hour after sunset, except as provided by other subsections below.

(2) For purposes of crab harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (Catch Areas) are modified as follows:

(a) Catch Area 26A-E shall include those waters of Puget Sound south of a line from Sandy Point (on Whidbey Island) to Camano Head and from Camano Head to the north tip of Gedney Island, and from the southern tip of Gedney Island east to the mainland, and north and east of a line that extends from Possession Point to the shipwreck located .8 nautical miles north of Picnic Point.

(b) Catch Area 26A-W shall include those waters of Puget Sound south and east of a line from Foulweather Bluff to Double Bluff, and northerly of a line from Apple Cove Point to Point Edwards, and south and west of a line that extends from Possession Point to the shipwreck located .8 nautical miles north of Picnic Point.

(3) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(4) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed October 1 through October 31 and March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 15.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W) are closed from October 1 through October 15.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line

projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass are closed October 1 through October 31 and March 1 through April 15.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green No. 1 buoy at Possession Point to Possession Point and west of a line from the green No. 1 buoy at Possession Point northward along the 200-foot depth contour to the Glendale Dock are closed October 1 through October 15.

(5) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Area 25E south of a line from Contractors Point to Tukey Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy north of Ustalady Point, thence to Brown Point on the northeast corner of Ustalady Bay.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point in waters shallower than 60 feet in depth.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island thence to Chuckanut Rock thence to the most southerly tip of Clark's Point.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection with Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands intersecting Lopez Island at either end.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected easterly from the northern end of the eastern most oil dock at March Point to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore and following the shoreline to the point of origin.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

(n) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line projected 120 degrees true from the southeast end of Satellite Island to Stuart Island.

(o) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

(6) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28. However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

[Statutory Authority: RCW 77.12.047, 06-01-013 (Order 05-275), § 220-52-046, filed 12/9/05, effective 1/9/06; 01-11-009 (Order 01-74), § 220-52-046, filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 75.08.080, 99-10-062 (Order 99-59), § 220-52-046, filed 5/3/99, effective 6/3/99; 98-19-012 (Order 98-185), § 220-52-046, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-046, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-046, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-046, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-046, filed 7/14/93, effective 8/14/93; 91-10-024 (Order 91-22), § 220-52-046, filed 4/23/91, effective 5/24/91; 87-05-038 (Order 87-08), § 220-52-046, filed 2/18/87; 85-01-010 (Order 84-214), § 220-52-046, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-046, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-046, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-046, filed

9/17/80; Order 76-152, § 220-52-046, filed 12/17/76; Order 1179, § 220-52-046, filed 11/19/74; Order 1112, § 220-52-046, filed 4/15/74; Order 1057, § 220-52-046, filed 5/22/73; Order 920, § 220-52-046, filed 5/13/71; Order 807, § 220-52-046, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040 (2), (3), (4) and (9).]

WAC 220-52-051 Shrimp fishery—Puget Sound. (1)

A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(D) It is unlawful to set or pull shrimp pot gear from one hour after official sunset to one hour before official sunrise.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(c) Area restrictions:

(i) Pot gear closed in all Puget Sound Shrimp Districts except the Port Townsend Shrimp District.

(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule:

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

(c) Area restrictions:

(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.

(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(g) It is unlawful to operate shrimp beam trawl gear in Puget Sound from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer, or if transferred at sea, without transfer to a licensed wholesale dealer. A fisher who is a licensed wholesale dealer may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(5) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (catch areas) are modified as follows:

(a) That portion of Catch Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Catch Area 23A.

(b) Catch Area 23A is divided into four subareas:

(i) 23A-E (east) is those waters of Catch Area 23A east of 122°57'W. Long. and north of 48°22.5'N. Lat.

(ii) 23A-W (west) is those waters of Catch Area 23A west of 122°57'W. Long. and north of 48°22.5'N. Lat.

(iii) 23A-C (central) is those waters of Catch Area 23 south of 48°22.5'N. Lat. and east of a line projected 335° true from the Dungeness lighthouse.

(iv) 23A-S (south) is those waters of Catch Area 23A west of a line projected 335° true from the Dungeness lighthouse.

(c) Catch Area 26A is divided into two subareas:

(i) 26A-E (east) is those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(ii) 26A-W (west) is those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(d) Catch Area 26B is divided into two subareas:

(i) 26B-1 is those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point.

(ii) 26B-2 is those waters easterly of a line projected from West Point to Alki Point.

(6) For purpose of shrimp trawl harvest allocation and catch reporting, 23A East is that portion of Catch Area 23A, east of a line projected true north from the Dungeness light-house. 23A West is that portion of Catch Area 23A, west of the line described herein.

(7) The following areas are defined as Puget Sound Shrimp Management Areas:

(a) Shrimp Management Area 1A: Waters of Catch Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island, west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island.

(b) Shrimp Management Area 1B: Waters of Catch Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island, east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and east of a line projected true south from Point Colville, and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(c) Shrimp Management Area 1C: Waters of Catch Areas 20A, 21B, 22B, and waters of Catch Area 21A not included in Management Area 1B.

(d) Shrimp Management Area 2E: Waters of Catch Areas 24A, 24B, 24C, 24D, and 26A-E (east).

(e) Shrimp Management Area 2W: Waters of Catch Areas 25B, 25C, 25D, and 26A-W (west).

(f) Shrimp Management Area 3: Waters of Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.

(g) Shrimp Management Area 4: Waters of Catch Areas 26B and 26C.

(h) Shrimp Management Area 5: Waters of Catch Areas 27A, 27B, and 27C.

(i) Shrimp Management Area 6: Waters of Catch Areas 26D, 28A, 28B, 28C, and 28D.

(8) In Shrimp Management Areas 1A, 1B and 1C, all catch must be reported by Management Area and Catch Area combined, either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, 1C-20A, 1C-21A, 1C-21B, or 1C-22B.

[Statutory Authority: RCW 77.12.047, 06-01-013 (Order 05-275), § 220-52-051, filed 12/9/05, effective 1/9/06; 03-05-064 (Order 03-28), § 220-52-051, filed 2/18/03, effective 3/21/03; 02-01-068, § 220-52-051, filed 12/14/01, effective 1/14/02; 01-03-016 (Order 00-271), § 220-52-051, filed 1/5/01, effective 2/5/01. Statutory Authority: RCW 74.08.080 and 1999 c 239. 00-01-124 (Order 99-217), § 220-52-051, filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-52-051, filed 3/17/94, effective 4/17/94. Statutory Authority: RCW 75.08.080. 93-15-051, § 220-52-051, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-051, filed 8/28/91, effective 9/28/91; 87-23-006 (Order 87-187), § 220-52-051, filed 11/6/87.]

Chapter 220-55 WAC

PERSONAL-USE LICENSES

WAC

220-55-180 Point-of-sale transaction fee.

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees except through June 30, 2007, the transaction fee shall be nine and one-half percent of the value of the document transaction, excluding any applicable dealer fee.

[Statutory Authority: RCW 77.12.047, 06-01-012 (Order 05-273), § 220-55-180, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 77.12.047 and 2003 c 389. 04-01-095 (Order 03-311), § 220-55-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 77.32.050. 00-11-176 (Order 00-81), § 220-55-180, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 77.12.040 and 77.32.050. 00-02-049 (Order 99-234), § 220-55-180, filed 12/30/99, effective 1/30/00.]

Chapter 220-56 WAC

PERSONAL-USE FISHERY

WAC

220-56-100	Definitions—Personal-use fishing.
220-56-115	Angling—Lawful and unlawful acts.
220-56-118	Fish handling rules—Removal from water.
220-56-123	Unlawful provisions—Westport and Ocean Shores boat basins.
220-56-128	Food fish fishing—Closed areas.
220-56-129	Unclassified freshwater invertebrates and fish.
220-56-130	Unclassified marine invertebrates and fish.
220-56-156	Possession and delivery of Canadian origin food fish and shellfish.
220-56-180	Salmon statewide rules.
220-56-195	Closed areas—Saltwater salmon angling.
220-56-255	Halibut—Seasons—Daily and possession limits.
220-56-282	Sturgeon—Areas, seasons, limits and unlawful acts.
220-56-310	Shellfish—Daily limits.
220-56-315	Crabs, shrimp, crawfish—Unlawful acts.
220-56-320	Shellfish gear—Unlawful acts.
220-56-325	Shrimp—Areas and seasons.
220-56-326	Shrimp—Unlawful acts.
220-56-330	Crab—Areas and seasons.
220-56-350	Clams other than razor clams, mussels—Areas and seasons.
220-56-380	Oysters—Areas and seasons.

WAC 220-56-100 Definitions—Personal-use fishing.

The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given

species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(12) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures, defined as lures with hooks and attachments (eyes, swivels, etc.), that do not have enough buoyancy to float in freshwater, may have only one single hook measuring not more than 3/4 inch point to shank. No weights may be attached below or less than twelve inches above a buoyant lure defined as a lure with hooks and attachments that has enough buoyancy to float in freshwater, and all hooks must be attached to or no more than three inches below a buoyant lure or within three inches of bait or a nonbuoyant lure. No hook may be attached to the line above a buoyant lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(28) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(29) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(30) "Wild" when used to describe a salmon (chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 220-56-100, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-100, filed 11/23/04, effective 12/24/04; 04-07-009 (Order 04-39), § 220-56-100, filed 3/4/04, effective 5/1/04; 03-18-007 (Order 03-211), § 220-56-100, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-100, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-100, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-56-100, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-100, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-100, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-100, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-100, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-100, filed 7/1/94, effective 8/1/94; 91-08-054 (Order 91-13), § 220-56-100, filed 4/2/91, effective 5/3/91; 86-09-020 (Order 86-08), § 220-56-100, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-100, filed 4/9/85; 82-13-040 (Order 82-61), § 220-56-100, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-100, filed 2/27/80, effective 4/1/80.]

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with three hooks while angling for personal use except:

(a) It is unlawful to use more than 2 hooks while fishing in Marine Areas 1-4, except for forage fish jigger gear.

(b) It is unlawful to use more than two barbless hooks while fishing in Marine Areas 5-13, except for forage fish jigger gear.

(c) It is lawful to use forage fish jigger gear as provided for in WAC 220-56-265 in Marine Areas 1-13 and the Columbia River downstream from a line between Rocky Point and Tongue Point, and squid jig gear as provided for in WAC 220-56-390 in Marine Areas 1-13.

(d) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(e) It is unlawful to use other than one single barbless hook while fishing for sturgeon.

(2) It shall be unlawful for any person to take, fish for or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling to fail to keep his angling gear under his direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed and juvenile anglers aboard has been retained.

(5) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-115, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-115, filed 3/4/04, effective 5/1/04; 02-09-001 (Order 02-53A), § 220-56-115, filed 4/3/02, effective 5/4/02; 01-06-036 (Order 01-24), § 220-56-115, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-115, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-115, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-115, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-115, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-115, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-115, filed 2/28/90, effective 3/31/90; 88-10-013 (Order 88-15), § 220-56-115, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-115, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-115, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-115, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-115, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-115, filed 3/18/82; 80-12-040 (Order 80-107), § 220-56-115, filed 8/29/80; 80-03-064 (Order 80-12), § 220-56-115, filed 2/27/80, effective 4/1/80.]

WAC 220-56-118 Fish handling rules—Removal from water. In order to protect fish that are required to be released:

(1) It is unlawful to totally or partially remove oversize sturgeon from the water.

(2) It is unlawful to totally or partially remove six-gill shark from the water.

(3) In all freshwater areas, except the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to totally remove salmon, steelhead, Dolly Varden or bull trout from the water if it is unlawful to retain those salmon, steelhead, Dolly Varden or bull trout.

(4) In Marine Areas 5 through 13, it is unlawful to bring wild salmon or a species of salmon aboard a vessel if it is unlawful to retain that salmon. For purposes of this subsection, "aboard" means inside the gunnel of a vessel.

(5) In Marine Area 2-2 east of the Buoy 13 line, salmon required to be released may not be totally removed from the water, except anglers fishing from vessels thirty feet or longer as shown on their state registration or Coast Guard documentation are exempt from this subsection.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 220-56-118, filed 8/3/05, effective 9/3/05; 05-05-035 (Order 05-15), § 220-56-118, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-118, filed 3/4/04, effective 5/1/04.]

WAC 220-56-123 Unlawful provisions—Westport and Ocean Shores boat basins. During the period August 16 through January 31, in the waters of the Westport and Ocean Shores Boat Basins:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) Nonbuoyant lures other than natural bait lures must have no more than one single point hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single point hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) Barbed hooks allowed.

(d) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(e) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use forage fish jigger gear.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 220-56-123, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-123, filed 11/23/04, effective 12/24/04; 01-06-036 (Order 01-24), § 220-56-123, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-123, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-123, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080, 94-14-069, § 220-56-123, filed 7/1/94, effective 8/1/94.]

WAC 220-56-128 Food fish fishing—Closed areas. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natu-

ral obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) The waters of Catch Area 12 are closed at all times to the taking of food fish other than salmon.

(24) Freshwater Bay - waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed July 1 through August 31.

(25) Tulalip Bay - waters east of line from Mission Point to Hermosa Point are closed at all times.

(26) Waters of Catch Record Card Area 13 within 500 yards of the Toliva Shoal buoy are closed to fishing for food fish June 16 through April 30 and closed to rockfish year-round.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-128, filed 2/10/05, effective 5/1/05; 04-24-030 (Order 04-306), § 220-56-128, filed 11/23/04, effective 12/24/04; 04-17-098 (Order 04-218), § 220-56-128, filed 8/17/04, effective 9/17/04; 02-08-048 (Order 02-53), § 220-56-128, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-128, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-128, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-56-128, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-128, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-128, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-128, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-128, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-128, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-128, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-128, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-128, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-128, filed 4/9/85; 82-07-047 (Order 82-19), § 220-56-128, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-128, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-065.]

WAC 220-56-129 Unclassified freshwater invertebrates and fish. (1) Definitions. For purposes of this section, "freshwater clams and mussels" means all freshwater bivalves existing in Washington in a wild state, except prohibited aquatic animal species classified under WAC 232-12-090.

(2) It is unlawful for any person to take or possess freshwater clams and mussels taken for personal use.

(3) It is unlawful for any person to take, fish for or possess Pacific lamprey, western brook lamprey, or river lamprey taken for personal use.

(4) Violation of this rule is punishable under RCW 77.15.140.

[Statutory Authority: RCW 77.12.047. 05-05-035 (Order 05-15), § 220-56-129, filed 2/10/05, effective 5/1/05; 03-05-057 (Order 03-24), § 220-56-129, filed 2/14/03, effective 5/1/03.]

WAC 220-56-130 Unclassified marine invertebrates and fish. (1) Definitions. For purposes of this section:

(a) "Daily limit" means individual animals retained, alive or dead.

(b) "Sculpins" means individual sculpins of species that are not defined as bottomfish.

(c) "Nudibranch" means individual nudibranchs of any species.

(d) "Unclassified marine invertebrates" and "unclassified marine fish" mean species existing in Washington state marine waters in a wild state that have not been classified as food fish, shellfish, game fish, protected wildlife, or endangered species.

(2) The following limits apply to the taking of unclassified marine invertebrates in Catch Record Card Areas 1 through 13, and the taking of unclassified marine fish in Catch Record Card Areas 5 through 13:

(a) Daily limit of ten unclassified marine invertebrates, except moon snails and nudibranchs.

(b) Daily limit of five moon snails.

(c) Daily limit of two nudibranchs.

(d) Daily limit of two unclassified marine fish per species of fish, except that the daily limit may not contain more than two sculpins and it is unlawful to take, fish for or possess Pacific lamprey or river lamprey.

(e) The possession limit and the daily limit are the same.

(3) Each person possessing unclassified marine invertebrates or unclassified marine fish must retain their take in a separate container.

[Statutory Authority: RCW 77.12.047. 05-05-035 (Order 05-15), § 220-56-130, filed 2/10/05, effective 5/1/05. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-130, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-130, filed 1/30/95, effective 5/1/95; 80-03-064 (Order 80-12), § 220-56-130, filed 2/27/80, effective 4/1/80.]

WAC 220-56-156 Possession and delivery of Canadian origin food fish and shellfish. It is unlawful to possess in marine waters or deliver into a Washington state port, moorage, anchorage, or vessel launching facility, shellfish or food fish taken for personal use from Canadian waters unless the person that possesses or delivers the shellfish or food fish possesses a valid Canadian sport fishing license and catch record card, if one is required, for the shellfish and food fish taken. It is unlawful to possess in marine waters or deliver to a Washington port, moorage, anchorage, or vessel launching facility any fresh salmon taken for personal use from Canadian waters unless such salmon meet current salmon regulations for the waters of the applicable department of fish and wildlife catch record card area or ports, moorages, anchorages, or vessel launching facilities within the applicable catch record card area, or unless the vessel operator has a valid Canadian customs clearance number obtained while the ves-

sel was moored at a Canadian government dock in Ucluelet, Victoria, Sydney, White Rock, or Bedwell Harbour, British Columbia. For the purposes of this section, "delivery" means transportation by a private or commercial recreational fishing vessel and delivery is complete when the vessel anchors, moors, ties to a float or pier, or is placed or attempted to be placed on a boat trailer.

[Statutory Authority: RCW 77.12.047. 05-05-046 (Order 05-22), § 220-56-156, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 75.08.080. 92-11-012 (Order 92-19), § 220-56-156, filed 5/12/92, effective 6/12/92; 90-08-001 (Order 90-22), § 220-56-156, filed 3/22/90, effective 4/22/90; 85-09-017 (Order 85-20), § 220-56-156, filed 4/9/85.]

WAC 220-56-180 Salmon statewide rules. (1) In fresh water and in Marine Areas 2-1 beginning August 16 and 2-2 east of the Buoy 13 line beginning September 1, adult salmon are:

Chinook over 24 inches in length,

Coho over 20 inches in length,

Pink, chum or sockeye over 12 inches in length, and

Atlantic salmon of any size. In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) In Marine Areas 1 through 4, in Area 2-1 from the opening date of adjacent ocean waters through August 15, and in Area 2-2 west of the Buoy 13 line, chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(3) In Marine Areas 5 through 13, chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(4) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

(5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

[Statutory Authority: RCW 77.12.047. 05-17-007 (Order 05-168), § 220-56-180, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-180, filed 11/23/04, effective 12/24/04. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-180, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-180, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-180, filed 3/19/97, effective 5/1/97; 95-04-066 (Order 95-10), § 220-56-180, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-180, filed 3/31/93, effective 5/1/93; 91-14-046 (Order 91-40), § 220-56-180, filed 6/27/91, effective 7/28/91; 91-08-054 (Order 91-13), § 220-56-180, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-180, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-180, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-180, filed 4/26/88; 87-08-006 (Order 87-19), § 220-56-180, filed 3/23/87; 86-09-020 (Order 86-08), § 220-56-180, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-180, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-180, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-180, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-180, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-180, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-180, filed 2/27/80, effective 4/1/80.]

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed July 1 through August 12.

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to

Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

(10) Port Susan - waters north of a line from Camano Head to a boundary marker approximately 1.4 miles northwest of Hermosa Point closed to salmon fishing August 1 through August 31.

(11) Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the lighthouse closed to fishing for salmon August 1 through September 18.

[Statutory Authority: RCW 77.12.047. 05-17-007 (Order 05-168), § 220-56-195, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-195, filed 11/23/04, effective 12/24/04; 02-15-097 (Order 02-158), § 220-56-195, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 220-56-195, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-195, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-195, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-195, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-56-195, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-56-195, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-195, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-195, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-195, filed 6/29/93, effective 7/30/93; 92-11-012 (Order 92-19), § 220-56-195, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-195, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-195, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-195, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-195, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-195, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-195, filed 4/9/85; 83-07-043 (Order 83-16), § 220-56-195, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-195, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-195, filed 2/27/80, effective 4/1/80.]

WAC 220-56-255 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1: Open May 1 through September 30. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open May 1 through September 30.

(ii) All other waters in Area 2 - Open May 1 through September 30, except closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(c) Catch Record Card Areas 3 and 4 - Open May 10 through September 30, except closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48°18'N. lat.; 125°18'W. long., thence to 48°18'N. lat.; 124°59'W. long., thence to 48°11'N. lat.; 124°59'W. long., thence to 48°11'N. lat.; 125°11'W. long., thence to 48°04'N. lat.; 125°11'W. long., thence to 48°04'N. lat.; 124°59'W. long., thence to 48°00'N. lat.; 124°59'W. long., thence to 48°00'N. lat.; 125°18'W. long., thence to the point of origin.

(d) Catch Record Card Area 5 - Open May 26 through July 31, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Areas 6 through 13 - Open April 14 through June 20, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(2) Daily limit one halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

[Statutory Authority: RCW 77.12.047, 05-14-035 (Order 05-130), § 220-56-255, filed 6/24/05, effective 7/25/05; 03-05-057 (Order 03-24), § 220-56-255, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-255, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-255, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-255, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-255, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-255, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-255, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-255, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-255, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-255, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-255, filed 4/26/88; 85-10-062 (Order 85-39), § 220-56-255, filed 5/1/85; 80-03-064 (Order 80-12), § 220-56-255, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-071.]

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater, but open in freshwater only concurrent with a salmon or gamefish opening unless otherwise provided.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal-use limit of five sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the main-

stem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and one single barbless hook. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-282, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-282, filed 3/4/04, effective 5/1/04; 03-21-133 (Order 03-273), § 220-56-282, filed 10/21/03, effective 4/1/04; 03-18-006 (Order 03-209), § 220-56-282, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-282, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-282, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-282, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-282, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-282, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-282, filed 3/16/89.]

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 12 scallops.

(7) Weathervane scallops: 12 scallops (over 4 inches).

(8) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.

(9) Shrimp: In all waters - First Saturday in May through May 31, daily limit 80 shrimp. During all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10 pound limit. Spot shrimp: First Saturday in May through May 31 in all waters and in Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line during the remainder of the year, no minimum size; June 1 through October 15 in Area 4 east of the Bonilla-Tatoosh line and Areas 5 through

13, minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace.

(10) Octopus: 1 octopus.

(11) Pinto abalone: Closed statewide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In Area 1 except when fishing from the north jetty of the Columbia River and Areas 2, 3, and 4 west of the Bonilla-Tatoosh line - 6 male crabs.

(b) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13 - 5 male crabs.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Mussels: 10 pounds in the shell, in the aggregate.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

(24) Tanner crabs: 6 crabs.

[Statutory Authority: RCW 77.12.047, 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-310, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters it is unlawful to use at any one time more than two units of crab gear and two additional units of shrimp gear.

(b) It is unlawful for the operator of any boat from which shrimp pots are set or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than four shrimp pots.

(c) In the Columbia River it is unlawful to use more than three units of crab gear.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot. It is unlawful to have more than one unit of unattended gear attached to a buoy line or to fail to have a separate buoy for each unit of gear.

(9) In waters open only on certain days or certain hours during the day, except for the night closure set out in subsection (10) of this section, it is unlawful to fail to remove gear from the water when fishing for shellfish is not allowed, and it is unlawful to fail to remove gear from the water by one hour after sunset if fishing is not allowed on the next calendar day. In waters that are open continuously except for the night closure set out in subsection (10) of this section, gear may be left in the water during the night closure.

(10) It is unlawful to set or pull shellfish pots, ring nets or star traps from a vessel in Catch Record Card Areas 1-13 from one hour after official sunset to one hour before official sunrise.

(11) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047, 05-12-007 (Order 05-102), § 220-56-315, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-315, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-315, filed 3/4/04, effective 5/1/04; 02-19-014 (Order 02-224), § 220-56-315, filed 9/6/02, effective 10/7/02; 02-08-048 (Order 02-53), § 220-56-315, filed 3/29/02, effective 5/1/02; 01-07-024 (Order 01-39), § 220-56-315, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-315, filed 3/29/00, effective 5/1/00; 98-06-031, § 220-56-315, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 94-14-069, § 220-56-315, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-315, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-315, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-56-315, filed 3/16/89; 81-05-027 (Order 81-13), § 220-56-315, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-315, filed 2/27/80, effective 4/1/80.]

WAC 220-56-320 Shellfish gear—Unlawful acts. (1)

It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. It is unlawful to violate the following provisions regarding unattended shellfish gear:

(a) Unattended shellfish gear must have the line attaching the buoy to the gear weighted sufficiently to prevent the line from floating on the water's surface.

(b) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, anti-freeze or detergent bottles, paint cans or any other container.

(c) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(d) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) It is unlawful for the maximum perimeter of any shrimp pot to exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter in all waters except in the Columbia River the escape ring minimum size is 4 inches inside diameter. It is unlawful to use mesh size for crab pots less than 1-1/2 inches.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear during the month of May in Area 4 east of the Bonilla-Tatoosh line and in Areas 5 through 13, and year-round in Area 4 west of the Bonilla-Tatoosh line and Areas 1 through 3 unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated,

100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) It is unlawful to set shellfish pots in a manner that they are not covered by water at all times.

(7) June 1 through October 15 in Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, it is unlawful to use mesh size for shrimp pots less than one-half inch except in entrance tunnels.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-320, filed 2/10/05, effective 5/1/05; 03-05-057 (Order 03-24), § 220-56-320, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-320, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-08-029 (Order 99-13), § 220-56-320, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-320, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-320, filed 3/19/97, effective 5/1/97; 94-14-069, § 220-56-320, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-320, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-320, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-320, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-320, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-320, filed 5/25/88, effective 8/22/88; 87-09-066 (Order 87-16), § 220-56-320, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-320, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-320, filed 4/11/84; 82-07-047 (Order 82-19), § 220-56-320, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-320, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-320, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-088.]

WAC 220-56-325 Shrimp—Areas and seasons. It is unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(1) Discovery Bay, Port Angeles, and Port Townsend Shrimp Districts, and Marine Areas 8, 9, 10 and 11 - Open 7:00 a.m. through 3:00 p.m., beginning the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week;

(2) Hood Canal Shrimp District - Open 9:00 a.m. through 1:00 p.m., the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week;

(3) Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7 and 13, except for Shrimp Districts - Open 7:00 a.m. the first Saturday in May through May 31 and open daily except closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(4) Beginning June 1 through October 15 in Marine Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, shrimp fishing is open daily except closed in Area 10 and the shrimp districts at all times. Unlawful to retain spot shrimp.

(5) Marine Areas 1 through 3 and Marine Area 4 west of the Bonilla-Tatoosh line - Open year-round.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-325, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-325, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-325, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-325, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-325, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-325, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-325, filed

3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-325, filed 2/9/96, effective 5/1/96; 93-08-034 (Order 93-20), § 220-56-325, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-325, filed 3/16/89; 86-09-020 (Order 86-08), § 220-56-325, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-325, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-325, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-084.]

WAC 220-56-326 Shrimp—Unlawful acts. It is unlawful to violate the following provisions for personal use shrimp:

(1) In the field each person harvesting shrimp must use a separate container to hold his or her catch and the container must be in the harvester's presence or identified with the harvester's name.

(2) It is lawful to head shrimp, but all shrimp parts must be retained in the field year-round in the Pacific Ocean, and after May 31 of each year in Puget Sound until the fisher is ashore and finished fishing for the day.

[Statutory Authority: RCW 77.12.047. 05-05-035 (Order 05-15), § 220-56-326, filed 2/10/05, effective 5/1/05. Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-56-326, filed 2/9/96, effective 5/1/96.]

WAC 220-56-330 Crab—Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5 and 13 - Open 7:00 a.m., June 18 through the last day in February.

(b) Waters of Area 6, those waters of Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence due west to the international boundary; westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point, and waters of Areas 8-1, 8-2, 9, 10, 11 and 12 - Open 7:00 a.m. July 1 through September 3, open only Wednesday through Saturday of each week, and open Sunday, September 4 and Monday, September 5.

(c) Those contiguous waters of Marine Area 7 north, south and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island (southeast Hale Pass, Bellingham Bay, Samish Bay, Padilla Bay, eastern waters of Bellingham Channel, Guemes Channel and Fidalgo Bay) - Open 7:00 a.m. July 16 through September 30, and open only Wednesday through Saturday of each week except also open Sunday, September 4 and Monday, September 5.

(d) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends

from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island - Open 7:00 a.m. August 17 through September 30, and open only Wednesday through Saturday of each week except also open Sunday, September 4 and Monday, September 5.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.

[Statutory Authority: RCW 77.12.047. 05-12-007 (Order 05-102), § 220-56-330, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-330, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-330, filed 3/4/04, effective 5/1/04; 01-06-036 (Order 01-24), § 220-56-330, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-330, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-330, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-330, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-330, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-330, filed 5/13/96, effective 6/13/96; 93-08-034 (Order 93-20), § 220-56-330, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-330, filed 2/28/90, effective 3/31/90; 86-09-020 (Order 86-08), § 220-56-330, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-330, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-330, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-330, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ala Spit: Open May 1 through May 31.

(b) Brown Point (DNR 57-B): Open January 1 through July 15.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Closed the entire year.

(e) Cutts Island State Park: Open January 1 through June 15.

(f) Dosewallips State Park: Open April 1 through July 15 only in area defined by boundary markers and signs posted on the beach.

(g) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.

(h) Eagle Creek: Closed the entire year.

(i) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 15 through June 30.

(j) Freeland County Park - Open January 1 through March 31.

(k) Frye Cove County Park - Open January 1 through June 15.

(l) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(m) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(n) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

(o) Hope Island State Park (South Puget Sound): Open April 1 through May 31.

(p) Illahee State Park: May 1 through May 31.

(q) Kayak Point County Park: Closed the entire year.

(r) Kitsap Memorial State Park: Open May 15 through June 30.

(s) Kopachuck State Park: Open June 1 through July 31.

(t) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(u) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(v) Mukilteo State Park - Closed the entire year.

(w) Mystery Bay State Park: Open October 1 through April 30.

(x) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(y) Oak Bay County Park: Open July 15 through July 31.

(z) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open the entire year.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(aa) Penrose Point State Park: Open April 1 through May 15.

(bb) Picnic Point County Park: Closed the entire year.

(cc) Pitship Point: Closed the entire year.

(dd) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(ee) Point Whitney (excluding Point Whitney Lagoon): March 1 through April 15.

(ff) Point Whitney Lagoon: Open April 15 through May 15.

(gg) Port Townsend Ship Canal/Portage Canal: Open January 1 through June 30.

(hh) Potlatch DNR tidelands: April 1 through June 15.

(ii) Potlatch East: April 1 through June 15.

(jj) Potlatch State Park: April 1 through June 15.

(kk) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(ll) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat

Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.

(mm) Rendsland Creek: Closed the entire year.

(nn) Saltwater State Park: Closed the entire year.

(oo) Scenic Beach State Park - Closed the entire year.

(pp) Seahurst County Park: Closed the entire year.

(qq) Sequim Bay State Park - Open May 1 through June 15.

(rr) Shine Tidelands State Park: Open January 1 through May 15.

(ss) South Indian Island County Park: April 1 through August 31.

(tt) Spencer Spit State Park: Open March 1 through July 31.

(uu) Triton Cove Tidelands: Open July 1 through September 30.

(vv) Triton Cove State Park: Open April 1 through June 30.

(ww) Twanoh State Park: Closed the entire year.

(xx) West Dewatto: DNR Beach 44A open January 1 through April 15.

(yy) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

(zz) Wolfe Property State Park: Open January 1 through May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-350, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-350, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-350, filed 2/14/03, effective 5/1/03; 02-17-019 (Order 02-193), § 220-56-350, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-56-350, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-350, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-350, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-350, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-350, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-350, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-350, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-350, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-350, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-350, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-350, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-350, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-350, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-350, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-350, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-350, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-350, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-350, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-350, filed 6/5/85; 83-07-043 (Order 83-16), § 220-56-350, filed 3/17/83; 81-05-027 (Order 81-13), § 220-56-350, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-350, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-56-380 Oysters—Areas and seasons. It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (1) Brown Point (DNR 57-B): Closed the entire year.
- (2) Frye Cove County Park: Open January 1 through June 15.
- (3) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- (4) Hope Island State Park (South Puget Sound): Open April 1 through May 31.
- (5) Illahee State Park: Open May 1 through June 15.
- (6) Kitsap Memorial State Park: Open May 15 through June 15.
- (7) Kopachuck State Park: Open March 1 through July 31.
- (8) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.
- (9) Mystery Bay State Park: Open October 1 through April 30.
- (10) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.
- (11) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:
 - (a) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open the entire year.
 - (b) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.
 - (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (12) Penrose Point State Park: Open April 1 through May 15.
- (13) Port Townsend Ship Canal/Portage Canal: Open January 1 through June 30.
- (14) Potlatch DNR Tidelands: April 1 through June 15.
- (15) Potlatch East: Open April 1 through June 15.
- (16) Potlatch State Park: Open April 1 through June 15.
- (17) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.
- (18) Scenic Beach State Park: Closed the entire year.
- (19) Sequim Bay State Park: Open May 1 through June 15.
- (20) Shine Tidelands State Park: Open January 1 through May 15.
- (21) South Indian Island County Park: April 1 through August 31.

(22) Triton Cove State Park: Open April 1 through June 30.

(23) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(24) Wolfe Property State Park: Open January 1 through May 15.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-56-380, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-380, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-380, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-380, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), § 220-56-380, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-380, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-380, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]

Chapter 220-69 WAC

FISH RECEIVING TICKETS—WEIGHT DELIVERY SHEETS

WAC

220-69-236	Description of catch record cards and required information.
220-69-240	Duties of commercial purchasers and receivers.
220-69-26401	Distribution of copies of shellfish receiving ticket.

WAC 220-69-236 Description of catch record cards and required information. (1) The department shall prepare and distribute a catch record card for the following:

- (a) Anadromous salmon (salmon);
- (b) Dungeness crab;
- (c) Halibut taken from catch record card areas 5 through 13;
- (d) Steelhead; and
- (e) Sturgeon.

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

- (a) Name of fisher;
- (b) Home address;
- (c) City, state, and zip code;
- (d) Date of issuance;
- (e) Or, for automated licenses, the catch record card shall contain space for the appropriate validation sticker.

(3) Each catch record card shall contain space for the following information:

- (a) Month of catch;
- (b) Day of catch;
- (c) Catch record card area, river code, or stream: Location of catch;
- (d) A species code for salmon and sturgeon and a marked or unmarked space for salmon;
- (e) A space for designating the type of vessel from which halibut was taken, either charter (c) or personal/kicker (k) boat;
- (f) A space for the length of sturgeon;
- (g) For Dungeness crab:
- (i) The type of crab fishery as described on the Dungeness crab catch record card;
- (ii) The total crab retained by fishery type;
- (iii) A tally mark for each crab retained.

[Statutory Authority: RCW 77.12.047, 05-05-035 (Order 05-15), § 220-69-236, filed 2/10/05, effective 5/1/05; 04-17-096 (Order 04-210), § 220-69-236, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-69-236, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-17-066 (Order 99-125), § 220-69-236, filed 8/13/99, effective 4/1/00.]

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) It is unlawful for any person originally receiving fresh or iced fish or shellfish or frozen fish or shellfish that have not been previously delivered in another state, territory, or country, except purchases or receipts made by individuals or consumers at retail, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate fish receiving ticket.

It is unlawful for any original receiver of crab or spot shrimp to fail to record all crab or spot shrimp aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weighbacks must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed is required to be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving

ticket. Violation of this subsection is punishable under RCW 77.15.630.

(4) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets that are initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish is to be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(5) Geoduck: It is unlawful for any person receiving geoducks, regardless of whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(6) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the delivery. The exact weights of whiting, by grade, and all incidental species in the delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(7) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record either 23A-C, 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(8) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(9) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day. Reports must be made to the La Conner District Office by facsimile 360-466-0515 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, date of delivery of crab to the original receiver, and the total number of pounds of crab caught by nontreaty fishers by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(10) Salmon and sturgeon: During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report all salmon offered for retail sale on the previous calendar day. The report must include dealer or holder name and purchasing location, date of purchase, each fish ticket number used on the purchasing date, and the following catch data for each species purchased: Gear, catch area, species, number and total weight of fish.

When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

(e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Additionally, it is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained." Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(12) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047, 06-01-013 (Order 05-275), § 220-69-240, filed 12/9/05, effective 1/9/06; 04-17-096 (Order 04-210), § 220-69-240, filed 8/17/04, effective 9/17/04; 03-17-008 (Order 03-188), § 220-69-240, filed 8/8/03, effective 9/8/03; 03-05-064 (Order 03-28), § 220-69-240,

filed 2/18/03, effective 3/21/03; 03-05-059 (Order 03-32), § 220-69-240, filed 2/18/03, effective 3/21/03; 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW 75.08.080, 85-11-020 (Order 85-43), § 220-69-240, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-240, filed 12/2/83; 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

WAC 220-69-26401 Distribution of copies of shellfish receiving ticket. State of Washington shellfish receiving tickets shall be made out in quintuplicate (five copies) at the time of delivery. Upon completion of the shellfish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies as follows:

(1) The dealer copies (white and yellow) shall be retained by receiver for their use.

(2)(a) For shellfish other than geoduck clams from department of natural resources geoduck tracts, the state copies (green and pink) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(b) For geoduck clams from department of natural resources geoduck tracts, the green state copy shall be mailed to the department no later than the sixth working day after the ticket was completed by the original receiver. The pink state copy shall be mailed to the department of natural resources no later than the sixth working day after the ticket was completed by the original receiver, or delivered earlier to the department of natural resources as directed by that department.

(3) The fisherman copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047, 05-05-026 (Order 05-16), § 220-69-26401, filed 2/10/05, effective 3/13/05; 04-17-096 (Order 04-210), § 220-69-26401, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-26401, filed 12/20/99, effective 1/20/00; 91-05-015 (Order 91-07), § 220-69-26401, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-26401, filed 9/12/86. Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-26401, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-26401, filed 5/2/80.]

Chapter 220-72 WAC

OYSTER DISEASES AND PESTS

WAC

220-72-089

Denman Island Disease prohibited area.

WAC 220-72-089 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction

with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most southwesterly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected between Lummi Point and Gooseberry Point and easterly and inside of a line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

The mainland at 122°41'00" W. Long. due south to 47°21'00" N. Lat., 122°41'00" W. Long.; thence to 47°21'00" N. Lat. where it intersects the mainland.

(6) McMicken Island—inside and westerly of a line projected between the following two points on the east shore of Hartstene Island:

47°14.084' N. Lat., 122°51.316' W. Long. and 47°16.224' N. Lat., 122°51.746' W. Long.

(7) Carr Inlet—northerly of a line projected from the northern tip of South Head on Key Peninsula to the most western point of Green Point.

(8) Eld Inlet—southerly of a line projected due north from the northern most point of Cooper Point to the mainland at Edgewater Beach.

(9) Port Orchard—southerly of a line projected from Battle Point projected due west to the mainland; westerly of a line projected from Point White due south to the mainland; and easterly of a line projected from the southern most point of Point Herron due south to the mainland.

(10) Kilisut Harbor—southerly of a line projected from the northeasterly most point on Indian Island north to the most northwesterly point of Marrowstone Island.

[Statutory Authority: RCW 77.12.047, 06-01-015 (Order 05-272), § 220-72-089, filed 12/9/05, effective 1/9/06; 05-01-113 (Order 04-318), § 220-72-089, filed 12/15/04, effective 1/15/05; 03-10-041 (Order 03-86), § 220-72-089, filed 4/30/03, effective 5/31/03.]

Chapter 220-88C WAC

COASTAL PILCHARD FISHERY

WAC

220-88C-030

Eligibility to participate in the coastal pilchard fishery.

220-88C-040

Coastal pilchard fishery—Seasons and lawful catch.

220-88C-050

Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery. (1) A coastal pilchard experimental fishery permit will be issued only to a natural person who:

- (a) Held such a permit the previous year;
- (b) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;
- (c) Has purchased an emerging commercial fisheries license by April 1st; and
- (d) As of December 1st of the previous licensing year has no outstanding observer fees owed to the department.

(2) Coastal pilchard experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violation of other commercial fishing rules, and shall be revoked if the emerging commercial fishery license is suspended. A coastal pilchard experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(3) For 2005, the director may offer temporary permits valid for the 2005 season only, provided that:

(a) The total number of permits issued by the director, including 2005 temporary permits, shall not exceed twenty-five.

(b) 2005 temporary permits may be issued only to a person who can demonstrate by valid Washington fish receiving tickets that pilchard were landed under the person's emerging commercial fishery license in 2000, 2001, and 2002, the person has not previously held a coastal pilchard experimental fishery permit and the person has submitted a completed 2005 temporary permit application to the department by June 1, 2005.

(c) A vessel must be designated on the 2005 temporary permit application, and only one 2005 temporary permit application per person or vessel will be allowed.

(4) Coastal pilchard experimental fishery permits are only valid for the year issued and expire on November 30 of the year issued with the expiration of the emerging commercial fishery license.

(5) Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery at least forty-eight hours before their first pilchard fishing trip of each season. Once designated, permit holders may not change vessel designation for the remainder of the season, except in an emergency and then only if allowed by the director. The same vessel may not be designated on more than one emerging commercial fishery license and accompanying coastal pilchard experimental fishery permit.

[Statutory Authority: RCW 77.12.047. 05-08-056 (Order 05-53), § 220-88C-030, filed 3/30/05, effective 4/30/05; 04-10-035 (Order 04-94), § 220-88C-030, filed 4/29/04, effective 5/30/04; 03-13-002 (Order 03-111), § 220-88C-030, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-030, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch. (1) The coastal pilchard fishery season is open to purse seine fishing May 1 through November

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30 only. Fishing under an experimental commercial fishery permit for pilchard is closed within three miles of shore.

(2) It is unlawful to retain any species taken incidental to pilchard in the coastal pilchard fishery except anchovy, mackerel, and market squid (*Logligo opalescens*). Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing vessel.

(3) It is unlawful to transfer pilchard catch from one fishing vessel to another.

(4) It is unlawful to fail to have legal purse seine gear aboard the vessel making a pilchard landing.

(5) It is unlawful to fail to deliver pilchard landings to a shoreside processing facility.

(6) It is unlawful to deliver more than ten percent of a pilchard landing for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait.

(7) It is unlawful to deliver more than one pilchard landing per calendar day.

(8) Once a delivery has commenced at a processing plant, all fish onboard the vessel must be offloaded at that plant.

[Statutory Authority: RCW 77.12.047. 05-08-056 (Order 05-53), § 220-88C-040, filed 3/30/05, effective 4/30/05; 04-10-035 (Order 04-94), § 220-88C-040, filed 4/29/04, effective 5/30/04; 03-13-002 (Order 03-111), § 220-88C-040, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-040, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

(1) As a condition of the experimental commercial fishery permit, participants in the coastal pilchard fishery are required to have on-board observers for any pilchard fishing effort at the request of the department.

(2) Up to 500 sardine per vessel trip may be retained by WDFW samplers for biological information.

(3) All persons who obtain an experimental commercial fishery permit for the coastal pilchard fishery must complete a department-issued logbook, and the logbook is required to be returned to the department by January 15th of the following year. Failure to submit the logbook will cause the person to be ineligible for a permit in the following season.

[Statutory Authority: RCW 77.12.047. 05-08-056 (Order 05-53), § 220-88C-050, filed 3/30/05, effective 4/30/05; 03-13-002 (Order 03-111), § 220-88C-050, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-050, filed 3/13/01, effective 4/13/01.]

Chapter 220-88E WAC HAGFISH FISHERY

WAC

220-88E-010	Designation of the hagfish pot fishery as an emerging commercial fishery.
220-88E-020	Emerging commercial fishery—Eligibility for trial fishery permits—Incidental catch.
220-88E-030	Hagfish pot trial fishery—Season and gear.
220-88E-040	Hagfish pot trial fishery—Logbook required.

WAC 220-88E-010 Designation of the hagfish pot fishery as an emerging commercial fishery. The director designates the hagfish pot fishery as an emerging commercial

fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver hagfish taken for commercial purposes unless the fisher has a valid emerging commercial fishery license and a hagfish pot trial fishery permit.

[Statutory Authority: RCW 77.12.047, 05-21-067 (Order 05-245), § 220-88E-010, filed 10/14/05, effective 11/14/05.]

WAC 220-88E-020 Emerging commercial fishery—Eligibility for trial fishery permits—Incidental catch. (1) An individual may not hold more than one Washington hagfish pot trial permit.

(2) Hagfish pot trial fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and hagfish pot trial fishery permit may be used to fish for or deliver hagfish.

(3) A hagfish trial fishery permit will be issued only to a natural person who has a valid emerging commercial fishery license.

(4) Incidental catch:

(a) It is unlawful to retain any species other than hagfish.

(b) All species other than hagfish must be carefully handled and returned to the water promptly.

[Statutory Authority: RCW 77.12.047, 05-21-067 (Order 05-245), § 220-88E-020, filed 10/14/05, effective 11/14/05.]

WAC 220-88E-030 Hagfish pot trial fishery—Season and gear. It is unlawful to fish for hagfish for commercial purposes except as provided in this section:

(1) Season - Open year-round to hagfish pot gear only.

(2) Area - Open only in Pacific Ocean waters greater than 50 fathoms in depth.

(3) Gear restrictions:

(a) Maximum of 50 hagfish pots per permit. Pots may be fished individually or on a common ground line.

(b) Hagfish pot gear requirements:

(i) Maximum entrance tunnel size of eleven square inches. Entrance tunnels may be of any shape.

(ii) Each pot is required to have at least one escape exit of at least nine and one-half square inches in opening and which must be constructed of 120 thread size or smaller untreated cotton twine.

(c) Buoy requirements: Hag fish pot gear must be buoyed. Marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee. If ground lines are used, ground line end marker buoys must display the number of pots on the ground line.

[Statutory Authority: RCW 77.12.047, 05-21-067 (Order 05-245), § 220-88E-030, filed 10/14/05, effective 11/14/05.]

WAC 220-88E-040 Hagfish pot trial fishery—Logbook required. It is unlawful for a participant in the hagfish pot trial fishery to fail to complete the department-supplied logbook with all indicated entries. Logbook information is required to be submitted quarterly, and it is unlawful to fail to remit the information by April 15, July 15, October 15 or January 15 for the previous quarter, whether or not fishing activity occurred during that quarter. Failure to submit logbook

information may result in revocation of the trial fishery permit.

[Statutory Authority: RCW 77.12.047, 05-21-067 (Order 05-245), § 220-88E-040, filed 10/14/05, effective 11/14/05.]

Chapter 220-95 WAC

COMMERCIAL FISHING GEAR REDUCTION PROGRAM

WAC

220-95-110

Sea cucumber license reduction program.

WAC 220-95-110 Sea cucumber license reduction program. In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) Eligibility: All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea cucumber licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.190, with a maximum purchase price of \$12,000 per license.

(3) Offer process: The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea cucumber commercial fishery.

(7) Program termination: This program terminates when the number of sea cucumber commercial fishery licensees is reduced to twenty-five.

[Statutory Authority: RCW 77.12.047, 05-17-027 (Order 05-170), § 220-95-110, filed 8/5/05, effective 9/5/05; 02-17-014 (Order 02-184), § 220-95-110, filed 8/9/02, effective 9/9/02; 02-01-069 (Order 01-274), § 220-95-110, filed 12/14/01, effective 1/14/02.]

Chapter 220-110 WAC

HYDRAULIC CODE RULES

WAC

220-110-170

Outfall structures.

WAC 220-110-170 Outfall structures. Outfall structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and

shellfish habitat. The following technical provisions shall apply to outfall structure projects:

(1) The outfall structure shall be constructed according to an approved design to prevent the entry of fish, except where fish passage could enhance fish life or habitat.

(2) The watercourse bank and bed at the point of discharge shall be armored to prevent scouring.

(3) Excavation for placement of the structure or armor-ing materials shall be isolated from the wetted perimeter.

(4) Alteration or disturbance of banks and bank vegeta-tion shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion within seven days of completion of the project using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cut-tings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be deter-mined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the poten-tial for natural revegetation is adequate, or where other engi-neering or safety factors preclude them.

(5) Structures containing concrete shall be sufficiently cured prior to contact with water, to avoid leaching.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

[Statutory Authority: RCW 77.12.047, 05-14-001 (Order 05-131), § 220-110-170, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-170, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-170, filed 4/13/83.]

Title 222 WAC

FOREST PRACTICES BOARD

Chapters

222-08	Practices and procedures.
222-10	State Environmental Policy Act guide-lines.
222-12	Policy and organization.
222-16	Definitions.
222-20	Application and notification procedures.
222-21	Small forest landowner forestry riparian easement program.
222-22	Watershed analysis.
222-23	Riparian open space program.
222-24	Road construction and maintenance.
222-30	Timber harvesting.
222-34	Reforestation.

Chapter 222-08 WAC

PRACTICES AND PROCEDURES

WAC

222-08-160

Continuing review of forest practices rules.

WAC 222-08-160 Continuing review of forest prac-tices rules. *(1) Annual evaluations. The department, after consulting with affected state agencies, Indian tribes, forest landowners, fish and wildlife, natural resources, and environ-mental interest groups, shall report annually to the forest practices board. This reporting will be an assessment of how the rules and voluntary processes, including the Cultural Resources Protection and Management Plan, as committed in the *1999 Forests and Fish Report*, Appendix O (O.3), are working.

*(2) Adaptive management program. The adaptive man-agement program will be used to determine the effectiveness of forest practices rules in aiding the state's salmon recovery effort and provide recommendations to the board on pro-posed changes to forest practices rules to meet timber indus-try viability and salmon recovery. The program provides assurances that rules and guidance not meeting aquatic resource objectives will be modified in a streamlined and timely manner. The board may also use this program to adjust other forest practice rules and guidance in order to further the purposes of chapter 76.09 RCW. The specific components of the adaptive management program are set forth in WAC 222-12-045.

(3) Resource management plans. The department is directed to develop a method for cooperative voluntary resource management planning among forest landowners, governmental agencies, affected Indian tribes, and environ-mental groups which would result in the development of plans which might be used as an alternative to the forest prac-tice rules in achieving the purposes and policies set forth in the act. This should be done through pilot projects, at least one of which should be located on the east side of the Cas-cade summit and one on the west side of the Cascade summit.

(4) Compliance monitoring. The department shall con-duct compliance monitoring that addresses the following key question: "Are forest practices being conducted in compli-ance with the rules?" The department shall provide statisti-cally sound, biennial compliance audits and monitoring reports to the board for consideration and support of rule and guidance analysis. Compliance monitoring shall determine whether forest practices rules are being implemented on the ground. An infrastructure to support compliance will include adequate compliance monitoring, enforcement, training, edu-cation and budget.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-08-160, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, recodified as § 222-08-160, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-08-035, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 87-23-036 (Order 535), § 222-08-035, filed 11/16/87, effective 1/1/88.]

Chapter 222-10 WAC
STATE ENVIRONMENTAL POLICY ACT
GUIDELINES

WAC

222-10-030	*SEPA policies for potentially unstable slopes and landforms.
222-10-040	Class IV-Special threatened and endangered species SEPA policies.

WAC 222-10-030 *SEPA policies for potentially unstable slopes and landforms. In addition to SEPA policies established elsewhere in this chapter, the following policies apply to forest practices described in WAC 222-16-050 (1)(d) relating to construction or harvest on potentially unstable slopes or landforms.

(1) In order to determine whether such forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit the following additional information, prepared by a qualified expert. The expert must describe the potentially unstable landforms in and around the application site and analyze:

(a) The likelihood that the proposed forest practices will cause movement on the potentially unstable slopes or landforms, or contribute to further movement of a potentially unstable slope or landform;

(b) The likelihood of delivery of sediment or debris to any public resources, or in a manner that would threaten public safety; and

(c) Any possible mitigation for the identified hazards and risks.

(2) The department's threshold determination will include an evaluation of whether the proposed forest practices:

(a) Are likely to increase the probability of a mass movement on or near the site;

(b) Would deliver sediment or debris to a public resource or would deliver sediment or debris in a manner that would threaten public safety; and

(c) Such movement and delivery are likely to cause significant adverse impacts.

If the department determines that (a), (b) and (c) of this subsection are likely to occur, then the forest practice is likely to have a probable significant adverse impact.

(3) The department will evaluate the proposal, using appropriate expertise and in consultation with other affected agencies and Indian tribes.

(4) Specific mitigation measures or conditions must be designed to avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public resource or could deliver sediment or debris in a manner that would threaten public safety.

(5) Qualified expert for the purposes of this section means a person licensed under chapter 18.220 RCW as either an engineering geologist or as a hydrogeologist (if the site warrants hydrologist expertise), with 3 years of field experience in the evaluation of relevant problems in forested lands.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-10-030, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-10-030, filed 5/30/01, effective 7/1/01.]

WAC 222-10-040 Class IV-Special threatened and endangered species SEPA policies. In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving threatened or endangered species.

(1) The department shall consult with the department of fish and wildlife, other agencies with expertise, affected landowners, affected Indian tribes, and others with expertise when evaluating the impacts of forest practices. If the department does not follow the recommendations of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

(2) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the department shall evaluate whether the forest practices reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(3) Specific mitigation measures or conditions shall be designed to reduce any probable significant adverse impacts identified in subsection (2) of this section.

(4) The department shall consider the species-specific policies in WAC 222-10-041 and 222-10-042 when reviewing and evaluating SEPA documents and the impacts of forest practices.

(5) The SEPA policies in this section and the species specific SEPA policies for threatened and endangered species do not apply to forest practices that are consistent with a wildlife conservation agreement listed in WAC 222-16-080(6) for species covered by these agreements, that has received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-10-040, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040, 43.21C.060, and 43.21C.120, 02-11-075, § 222-10-040, filed 5/13/02, effective 6/13/02. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-10-040, filed 12/3/97, effective 1/3/98. Statutory Authority: Chapters 76.09 and 34.05 RCW, 96-12-038 and 96-14-081, § 222-10-040, filed 5/31/96 and 7/1/96, effective 7/1/96 and 8/1/96.]

Chapter 222-12 WAC
POLICY AND ORGANIZATION

WAC

222-12-010	Authority.
222-12-040	*Alternate plans—Policy.
222-12-045	*Adaptive management program.
222-12-046	Cumulative effects.
222-12-080	Administrative and judicial appeals.
222-12-090	Forest practices board manual.

WAC 222-12-010 Authority. These forest practices rules are adopted pursuant to chapter 76.09 RCW, RCW 76.13.100 through 76.13.130, and RCW 77.85.180 through 77.85.190. Where necessary to accomplish the purposes and policies stated in the act, the board is authorized to promulgate forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in the act. These rules establish minimum standards for forest practices,

provide procedures for the voluntary development of resource management plans, set forth necessary administrative provisions, establish procedures for the collection and administration of forest practice fees, allow for the development of watershed analyses, foster cooperative relationships and agreements with affected tribes, and establish the riparian open space program. The board also establishes which forest practices will be included within each class and is authorized to adopt rules under RCW 76.09.055, 76.09.370, and 76.13.120(9).

Promulgation of all forest practices rules shall be accomplished so that compliance with such forest practices rules will achieve compliance with the water quality laws.

Those rules marked with an asterisk (*) pertain to water quality protection; pursuant to RCW 76.09.040 they can be amended only by agreement between the board and the department of ecology.

Forest practices rules shall be administered and enforced by the department except as otherwise provided in the act. Such rules shall be administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-12-010, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-12-010, filed 5/30/01, effective 7/1/01; Order 263, § 222-12-010, filed 6/16/76.]

WAC 222-12-040 *Alternate plans—Policy. All forest practice operations must comply with both the act and the rules promulgated pursuant to the act, unless an alternate plan has been approved by the department.

(1) The alternate plan process can be used as a tool to deal with a variety of situations, including where the cumulative impacts of regulations disproportionately impact a landowner. In some instances an alternate plan may be used to make minor on-the-ground modifications, which result in significant operation efficiencies. The alternate plan process may be used to address circumstances where a landowner has an economically inaccessible unit. The alternate plan process may also be used to facilitate voluntary landscape, riparian or stream restoration. In all cases, the alternate planning process will result in a plan that provides protection to public resources at least equal in overall effectiveness as provided by the act and rules while seeking to minimize constraints to the management of the affected lands.

(2) The legislature has found in RCW 76.13.100(2) that small forest landowners should also have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. These alternate plans are intended to provide flexibility to small forest landowners that will still provide protection of riparian functions based on specific field conditions or stream conditions on the landowner's property.

(3) Alternate plans do not replace other rules that recognize different types of landowner plans. For examples, see WAC 222-08-160(3), 222-12-041, 222-16-080(6), 222-16-100(1), and 222-16-105.

(4) Landowners are encouraged to communicate with the departments of ecology, fish and wildlife, affected Indian tribes, the National Marine Fisheries Service, the United States Fish and Wildlife Service and other interested parties

prior to submission of an application accompanied by an alternate plan.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-12-040, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-12-040, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-12-040, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-12-040, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040. 87-23-036 (Order 535), § 222-12-040, filed 11/16/87, effective 1/1/88; Order 263, § 222-12-040, filed 6/16/76.]

WAC 222-12-045 *Adaptive management program.

***Adaptive management program.** In order to further the purposes of chapter 76.09 RCW, the board has adopted and will manage a formal science-based program, as set forth in WAC 222-08-160(2). Refer to board manual section 22 for program guidance and further information.

(1) **Purpose:** The purpose of the program is to provide science-based recommendations and technical information to assist the board in determining if and when it is necessary or advisable to adjust rules and guidance for aquatic resources to achieve resource goals and objectives. The board may also use this program to adjust other rules and guidance. The goal of the program is to affect change when it is necessary or advisable to adjust rules and guidance to achieve the goals of the forests and fish report or other goals identified by the board. There are three desired outcomes: Certainty of change as needed to protect targeted resources; predictability and stability of the process of change so that landowners, regulators and interested members of the public can anticipate and prepare for change; and application of quality controls to study design and execution and to the interpreted results.

(2) **Program elements:** By this rule, the board establishes an active, ongoing program composed of the following initial elements, but not to exclude other program elements as needed:

(a) **Key questions and resource objectives:** Upon receiving recommendations from the TFW policy committee, or similar collaborative forum, the board will establish key questions and resource objectives and prioritize them.

(i) Projects designed to address the key questions shall be established in the order and subject to the priorities identified by the board.

(ii) Resource objectives are intended to ensure that forest practices, either singularly or cumulatively, will not significantly impair the capacity of aquatic habitat to:

(A) Support harvestable levels of salmonids;

(B) Support the long-term viability of other covered species; or

(C) Meet or exceed water quality standards (protection of beneficial uses, narrative and numeric criteria, and anti-degradation).

(iii) Resource objectives consist of functional objectives and performance targets. Functional objectives are broad statements regarding the major watershed functions potentially affected by forest practices. Performance targets are the measurable criteria defining specific, attainable target forest conditions and processes.

(iv) Resource objectives are intended for use in adaptive management, rather than in the regulatory process. Best management practices, as defined in the rules and manual, apply

to all forest practices regardless of whether or not resource objectives are met at a given site.

(b) **Participants:** The board will manage the program and has empowered the following entities to participate in the program: The cooperative monitoring evaluation and research committee (CMER), the TFW policy committee (or similar collaborative forum), the adaptive management program administrator, and other participants as directed to conduct the independent scientific peer review process. The program will strive to use a consensus-based approach to make decisions at all stages of the process. Specific consensus-decision stages will be established by CMER and approved by the board. Ground rules will follow those established by the TFW process as defined in the board manual.

(i) **CMER.** By this rule, the board establishes a cooperative monitoring evaluation and research (CMER) committee to impose accountability and formality of process, and to conduct research and validation and effectiveness monitoring to facilitate achieving the resource objectives. The purpose of CMER is to advance the science needed to support adaptive management. CMER also has ongoing responsibility to continue research and education in terrestrial resource issues. CMER will be made up of members that have expertise in a scientific discipline that will enable them to be most effective in addressing forestry, fish, wildlife, and landscape process issues. Members will represent timber landowners, environmental interests, state agencies, county governments, federal agencies and tribal governments from a scientific standpoint, not a policy view. CMER members will be approved by the board. This will not preclude others from participating in and contributing to the CMER process or its subcommittees. CMER shall also develop and manage as appropriate:

(A) Scientific advisory groups and subgroups;

(B) Research and monitoring programs;

(C) A set of protocols and standards to define and guide execution of the process including, but not limited to, research and monitoring data, watershed analysis reports, interdisciplinary team evaluations and reports, literature reviews, and quality control/quality assurance processes;

(D) A baseline data set used to monitor change; and

(E) A process for policy approval of research, monitoring, and assessment projects and use of external information, including the questions to be answered and the timelines.

(ii) **TFW policy committee (policy).** TFW, or a similar collaborative forum, is managed by a policy committee (hereafter referred to in this section as "policy"). Policy membership is self-selecting, and at a minimum should include representatives of the following caucuses: Timber landowners (industrial and nonindustrial private landowners); environmental community; tribal governments; county governments; state departments (including fish and wildlife, ecology, and natural resources); and federal agencies (including National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and U.S. Forest Service). Policy members will participate without compensation or per diem.

(iii) **Adaptive management program administrator (program administrator).** The department will employ a full-time independent program administrator to oversee the program and support CMER. The program administrator will have credentials as a program manager, scientist, and

researcher. The program administrator will make reports to the board and have other responsibilities as defined in the board manual.

(c) **Independent scientific peer review process.** By this rule, the board establishes an independent scientific peer review process to determine if the scientific studies that address program issues are scientifically sound and technically reliable; and provide advice on the scientific basis or reliability of CMER's reports. Products that must be reviewed include final reports of CMER funded studies, certain CMER recommendations, and pertinent studies not published in a CMER-approved, peer-reviewed journal. Other products that may require review include, but are not limited to, external information, work plans, requests for proposal, subsequent study proposals, the final study plan, and progress reports.

(d) **Process:** The following stages will be used to affect change for managing adaptive management proposals and approved projects. If consensus cannot be reached by participants at any stage, the issue will be addressed within the dispute resolution process.

(i) **Proposal initiation:** Adaptive management proposals can be initiated at this stage by any of the participants listed in (2)(b) of this subsection to the program administrator, or initiation may be proposed by the general public at board meetings. Proposals must provide the minimum information as outlined in the board manual and demonstrate how results of the proposal will address key questions and resource objectives or other program rule and/or guidance issues. The board may initiate proposals or research questions in the course of fulfilling their duties according to statute.

(ii) **Proposal approval and prioritization:** The program administrator will manage the proposal approval and prioritization process at this stage and consult with CMER on the program workplan. CMER proposals will be forwarded by the program administrator to policy and then to the board. The board will make the final determination regarding proposal approvals and prioritization. The board will act on proposal approval and prioritization in a timely manner.

(iii) **CMER implementation of proposal:** Board approved proposals are systematically implemented through CMER at this stage by the program administrator.

(iv) **Independent scientific peer review:** An independent scientific peer review process will be used at identified points within this stage of implementation depending upon the study and will be used on specified final studies or at the direction of the board.

(v) **CMER committee technical recommendations:** Upon completion, final CMER reports and information will be forwarded at this stage by the program administrator to policy in the form of a report that includes technical recommendations and a discussion of rule and/or guidance implications.

(vi) **Policy petitions for amendment:** Upon receipt of the CMER report, policy will prepare program rule amendments and/or guidance recommendations in the form of petitions for amendment. When completed, the petitions and the original CMER report and/or other information as applicable will be forwarded by the program administrator to the board for review and action. Policy recommendations to the board will be accompanied by formal petitions for rule making

(RCW 34.05.330). Policy will use the CMER results to make specific petitions to the board for amending:

(A) The regulatory scheme of forest practices management (Title 222 WAC rules and board manual);

(B) Voluntary, incentive-based, and training programs affecting forestry;

(C) The resource objectives; and

(D) CMER itself, adaptive management procedures, or other mechanisms implementing the recommendations contained in the most current forests and fish report.

(vii) **Board action to adopt petitions for amendment:** Upon receiving a formal petition for amendment to rules and/or guidance, the board will take appropriate and timely action. There will be a public review of all petitions as applicable. The board will make the final determination.

(e) **Biennial fiscal and performance audits.** The board shall require biennial fiscal and performance audits of the program by the department or other appropriate and accepting independent state agency.

(f) **CMER five-year peer review process.** Every five years the board will establish a peer review process to review all work of CMER and other available, relevant data, including recommendations from the CMER staff. There will be a specified, but limited, period for public review and comment.

(g) **Funding.** Funding is essential to implement the adaptive management program, which is dependent on quality and relevant data. The department shall request biennial budgets to support the program priority projects and basic infrastructure needs including funding to staff the adaptive management program administrator position. A stable, long-term funding source is needed for these activities.

(h) **Dispute resolution process.** If consensus cannot be reached through the adaptive management program process, participants will have their issues addressed by this dispute resolution process. Potential failures include, but are not limited to: The inability of policy to agree on research priorities, program direction, or recommendations to the board for uses of monitoring and/or research after receiving a report from CMER; the inability of CMER to produce a report and recommendation on schedule; and the failure of participants to act on policy recommendations on a specified schedule. Key attributes of the dispute resolution process are:

(i) Specific substantive and benchmark (schedule) triggers will be established by the board for each monitoring and research project for invoking dispute resolution;

(ii) The dispute resolution process will be staged in three parts and may be applied at any level of the adaptive management process. Any participant, or the board, may invoke each succeeding stage, if agreement is not reached by the previous stage, within the specified time (or if agreements are not substantially implemented) as follows:

(A) Stage one will be an attempt by CMER and policy to reach consensus. On technical issues, CMER shall have up to six months to reach a consensus unless otherwise agreed upon by policy. Parties may move the process to stage two after an issue has been before policy for six months unless otherwise agreed. The time periods commence from referral of technical issues to CMER, report by CMER to policy, or the raising of a nontechnical issue (or matter not otherwise referable to CMER) directly at policy.

(B) Stage two will be either informal mediation or formal arbitration. Within one month, one or the other will be picked, with the default being formal unless otherwise agreed. Stage two will be completed within three months (including the one month to select the process) unless otherwise agreed.

(C) If stage two does not result in consensus, stage three will be action by the board. The board will consider policy and CMER reports, and majority and minority thinking regarding the results and uses of the results can be brought forward to the board. The board will make the final determination regarding dispute resolution.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-12-045, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-12-045, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040. 87-23-036 (Order 535), § 222-12-045, filed 11/16/87, effective 1/1/88.]

WAC 222-12-046 Cumulative effects. The purpose of this section is to identify how the forest practices rules address changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices. This interaction is referred to as "cumulative effects." The following approaches have been taken:

(1) Title 222 WAC establishes minimum standards for all forest practices, regardless of the class of forest practices application.

(2) Forest practices which have a potential for a substantial impact on the environment are classified as Class IV-Special or Class IV-General by WAC 222-16-050 and receive an evaluation as to whether or not a detailed statement must be prepared pursuant to chapter 43.21C RCW.

(3) Certain rules are designed to focus on specific aspects of cumulative effects of forest practices. For example:

(a) WAC 222-08-160 requires continuing review of the forest practices rules and voluntary processes and adopts the concept of adaptive management. WAC 222-12-045 also adopts adaptive management.

(b) WAC 222-12-040 allows alternate plans that provide protection to public resources at least equal in overall effectiveness to the protection provided in the Forest Practices Act and rules.

(c) WAC 222-24-051 allows the department to require road maintenance and abandonment plans.

(d) WAC 222-30-025 addresses harvest unit size and separation requirements.

(e) Chapter 222-22 WAC addresses cumulative effects of forest practices on, at a minimum, the public resources of fish, water, and capital improvements of the state or its political subdivisions.

(f) Chapter 222-46 WAC establishes the enforcement policy for forest practices.

(4) The board shall continue consultation with the departments of ecology, fish and wildlife, natural resources, and archaeology and historic preservation, forest landowners, and affected tribes to further protect cultural resources and wildlife resource issues.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-12-046, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW

76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-12-046, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-12-046, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-12-046, filed 7/2/92, effective 8/2/92.]

WAC 222-12-080 Administrative and judicial appeals. (1) Certain decisions of the department may be appealed to the forest practices appeals board under chapter 76.09 RCW except that notices to comply may not be appealed to the forest practices appeals board unless first appealed to the department under RCW 76.09.090. Proceedings at the forest practices appeals board are governed by the Administrative Procedure Act, chapter 34.05 RCW, and Title 223 WAC.

(2) Forest practices applications and notifications related to qualifying projects under chapter 43.21L RCW may be appealed to the environmental and land use hearings board. Proceedings at the environmental and land use hearings board are governed by chapter 43.21L RCW and chapter 199-08 WAC.

(3) A petition for judicial review of a decision of the appeals boards may be filed in accordance with the Administrative Procedure Act, chapter 34.05 RCW. In addition, RCW 43.21L.140 governs judicial review of a final decision of the environmental and land use hearings board.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-12-080, filed 5/31/05, effective 7/1/05; Order 263, § 222-12-080, filed 6/16/76.]

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices rules. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) Standards for identifying channel migration zones and bankfull channel features.

(3) **Guidelines** for forest roads.

(4) **Guidelines** for clearing slash and debris from Type Np and Ns Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology for conducting watershed analysis shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The methodology shall also include a cultural resource module that shall specify the quantitative and qualitative methods, indices of resource conditions, and guidelines for developing voluntary management strategies for cultural resources. Except for cultural resources, the department, in consultation with Timber/

Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) **Guidelines** for forest chemicals.

(a) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(b) **Guidelines** for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.

(13) **Guidelines** for determining fish use for the purpose of typing waters under WAC 222-16-031.

(14) **Survey protocol for marbled murrelets.** The Pacific Seabird [Group] survey protocol dated January 6, 2003, and formally [titled] [filed on] *on Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research*, shall be used when surveying for marbled murrelets in a stand. Surveys are valid if they were conducted in compliance with the board[-]recognized Pacific Seabird Group survey protocols in effect at the beginning of the season in which the surveys were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

(16) **Guidelines** for evaluating potentially unstable slopes and landforms.

(17) **Guidelines** for the small forest landowner forestry riparian easement program.

(18) **Guidelines** for riparian open space program.

(19) **Guidelines** for hardwood conversion.

(20) **Guidelines** for financial assurances.

(21) **Guidelines** for alternate plans.

(22) **Guidelines** for adaptive management program.

(23) **Guidelines** for field protocol to locate mapped divisions between stream types and perennial stream identification.

(24) **Guidelines** for interim modification of bull trout habitat overlay.

(25) **Guidelines** for bull trout presence survey protocol.

(26) **Guidelines** for placement strategy for woody debris in streams.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-12-090, filed 5/31/05, effective 7/1/05; 04-05-087, § 222-12-090, filed 2/17/04, effective 3/19/04. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-12-090, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-12-090, filed 12/3/97, effective 1/3/98; 97-15-105, § 222-12-090, filed 7/21/97, effective 8/21/97. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-113, § 222-12-

090, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 76.09.040. 88-19-112 (Order 551, Resolution No. 88-1), § 222-12-090, filed 9/21/88, effective 11/1/88; 87-23-036 (Order 535), § 222-12-090, filed 11/16/87, effective 1/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-12-090, filed 8/3/82, effective 10/1/82; Order 263, § 222-12-090, filed 6/16/76.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 222-16 WAC DEFINITIONS

WAC

222-16-010	*General definitions.
222-16-030	Water typing system.
222-16-031	Interim water typing system.
222-16-050	*Classes of forest practices.
222-16-070	Pesticide uses with the potential for a substantial impact on the environment.
222-16-080	Critical habitats (state) of threatened and endangered species.

WAC 222-16-010 *General definitions. Unless otherwise required by context, as used in these rules:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Alluvial fan" see "sensitive sites" definition.

"Appeals board" means the forest practices appeals board established in the act.

"Aquatic resources" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*) and their respective habitats.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Bankfull depth" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

"Bankfull width" means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the pres-

ence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"Basal area" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"Bedrock hollows" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

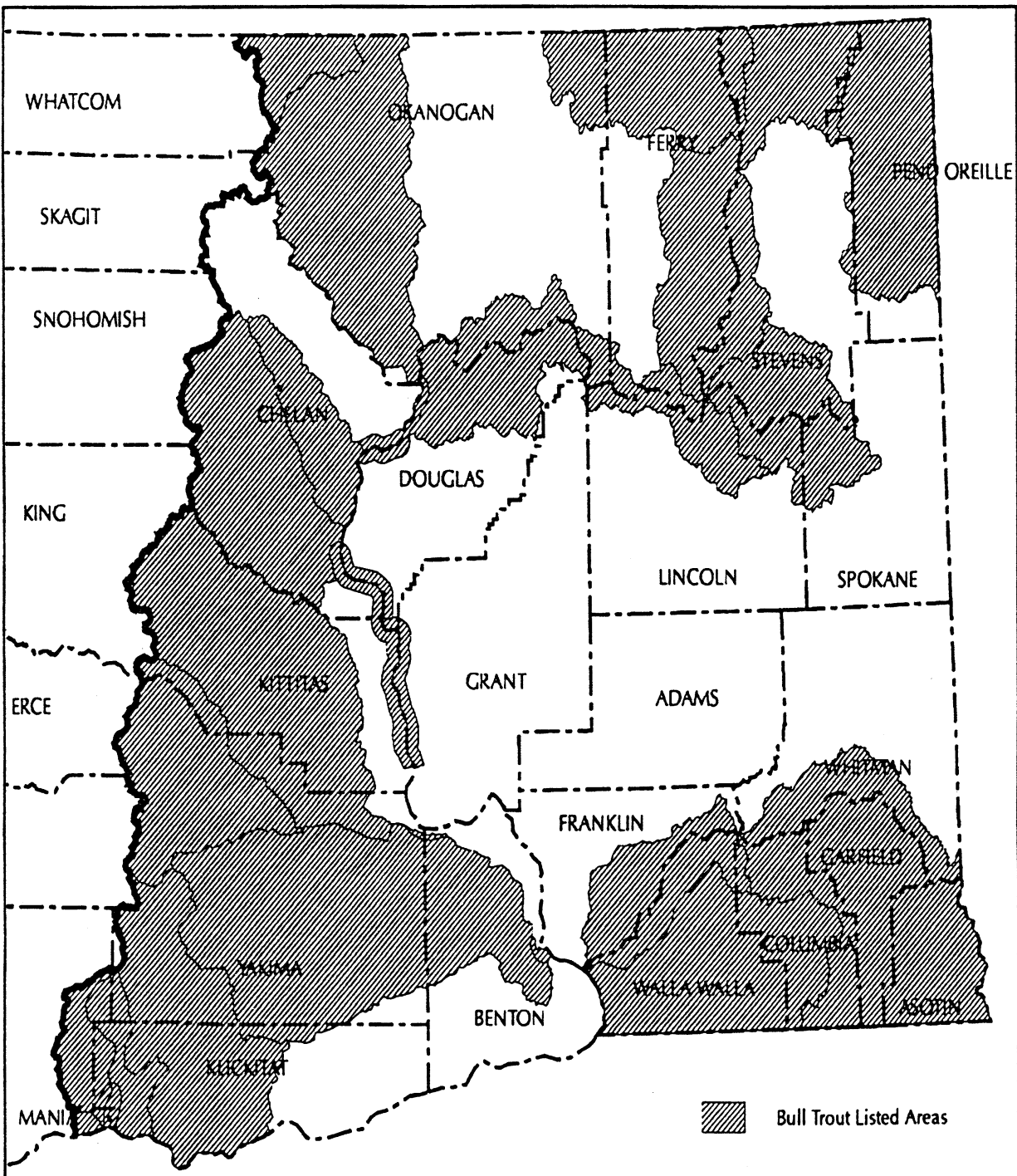
"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, Labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western hemlock, lodgepole pine, western red cedar, western white pine, Oregon crabapple, or quaking aspen, and may be associated with open water. This includes nutrient-poor fens. (See board manual section 8.)

"Borrow pit" means an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Bull trout habitat overlay" means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for locally-based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull Trout Overlay Map



"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest. (See board manual section 2 for descriptions and illustrations of CMZs and delineation guidelines.)

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Convergent headwalls" (or headwalls) means tear-drop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local governmental entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts, and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practices activities which would reasonably be expected to cause significant damage to a public resource.

"Deep-seated landslides" means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Desired future condition (DFC)" is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

"Diameter at breast height (dbh)" means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Drainage structure" means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent excessive buildup in water volume and velocity. A drainage struc-

ture is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts, ditch diversions, water bars, or other such structures demonstrated to be equally effective.

"Eastern Washington" means the geographic area in Washington east of the crest of the Cascade Mountains from

the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington Definition Map



"Eastern Washington timber habitat types" means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

Timber Habitat Types	Elevation Ranges
ponderosa pine	0 - 2500 feet
mixed conifer	2501 - 5000 feet
high elevation	above 5000 feet

"Edge" of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Equipment limitation zone" means a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

"Erodible soils" means those soils that, when exposed or displaced by a forest practices operation, would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area

for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities.

"Fish" means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

"Fish habitat" means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

"Flood level - 100 year" means a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: Provided, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or

preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest road" means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices or forest management activities such as fire control. "Forest roads" does not include skid trails, highways, or county roads except where the county is a forest landowner or operator.

"Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than 15 years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

"Full bench road" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Ground water recharge areas for glacial deep-seated slides" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"Headwater spring" means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Horizontal distance" means the distance between two points measured at a 0% slope.

"Hyporheic" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;
Shading; and
Stream bank and bed stability.

"Inner gorges" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practices activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

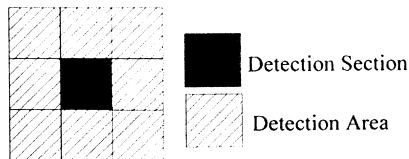
"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local governmental entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.



"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Multiyear permit" means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is

distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) and (2) above, the sites will be presumed to be occupied based upon observation of circling described in (1)(e), unless a two-year survey following the 2003 Pacific Seabird Group (PSG) protocol has been completed and an additional third-year of survey following a method listed below is completed and none of the behaviors or conditions listed in (1)(a) through (d) of this definition are observed. The landowner may choose one of the following methods for the third-year survey:

(a) Conduct a third-year survey with a minimum of nine visits conducted in compliance with 2003 PSG protocol. If one or more marbled murrelets are detected during any of these nine visits, three additional visits conducted in compliance with the protocol of the first nine visits shall be added to the third-year survey. Department of fish and wildlife shall be consulted prior to initiating third-year surveys; or

(b) Conduct a third-year survey designed in consultation with the department of fish and wildlife to meet site specific conditions.

(4) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(5) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(6) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" means any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a charac-

ter distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide, but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

Ponderosa pine habitat type

all hardwoods
ponderosa pine
western larch
Douglas-fir
western red cedar

Mixed conifer habitat type

all hardwoods
western larch
ponderosa pine
western red cedar
western white pine
Douglas-fir
lodgepole pine

"Public resources" means water, fish, and wildlife and in addition means capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian function" includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

"Riparian management zone (RMZ)" means:

(1) **For Western Washington**

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Western Washington Total RMZ Width
I	200'
II	170'
III	140'
IV	110'
V	90'

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) **For Eastern Washington**

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Eastern Washington Total RMZ Width
I	130'
II	110'
III	90' or 100*
IV	75' or 100*
V	75' or 100*

* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

(3) **For exempt 20 acre parcels**, a specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RMZ core zone" means:

(1) **For Western Washington**, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel

migration zone, whichever is greater. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the 30 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

"RMZ inner zone" means:

(1) **For Western Washington**, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

"RMZ outer zone" means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

"Road construction" means the establishment of any new sub-grade including widening, realignment, or modification of an existing road prism, with the exception of replacing or installing drainage structures, for the purposes of managing forest land under Title 222 WAC.

"Road maintenance" means any road work specifically related to maintaining water control or road safety and visibility (such as; grading, spot rocking, resurfacing, roadside vegetation control, water barring, ditch clean out, replacing or installing relief culverts, cleaning culvert inlets and outlets) on existing forest roads.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Sensitive sites" are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Headwall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the

surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means a depositional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site class" means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) **For Western Washington**

Site class	50-year site index range (state soil survey)
I	137+
II	119-136
III	97-118
IV	76-96
V	<75

(2) **For Eastern Washington**

Site class	100-year site index range (state soil survey)	50-year site index range (state soil survey)
I	120+	86+
II	101-120	72-85
III	81-100	58-71
IV	61-80	44-57
V	≤60	<44

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for

the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.

(b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.

(c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.

(d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practices activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Stream-adjacent parallel roads" means roads (including associated right of way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Temporary road" means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

"Threaten public safety" means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, timber does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33-.035.

"Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Yarding corridor" means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-16-010, filed 5/31/05, effective 7/1/05; 04-05-087, § 222-16-010, filed 2/17/04, effective 3/19/04. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-16-010, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 98-07-047, § 222-16-010, filed 3/13/98, effective 5/1/98; 97-24-091, § 222-16-010, filed 12/3/97, effective 1/3/98; 97-15-105, § 222-16-010, filed 7/21/97, effective 8/21/97. Statutory Authority: Chapters 76.09 and 34.05 RCW. 96-12-038, § 222-16-010, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 94-17-033, § 222-16-010, filed 8/10/94, effective 8/13/94; 93-12-001, § 222-16-010, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-16-010, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350. 92-03-028, § 222-16-010, filed 1/8/92, effective 2/8/92; 91-23-052, § 222-16-010, filed 11/15/91, effective 12/16/91. Statutory Authority: RCW 76.09.040, 88-19-112 (Order 551, Resolution No. 88-1), § 222-16-010, filed 9/21/88, effective 11/1/88; 87-23-036 (Order 535), § 222-16-010, filed 11/16/87, effective 1/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-16-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-16-010, filed 6/16/76.]

WAC 222-16-030 Water typing system. Until the fish habitat water type maps described below are adopted by the board, the Interim Water Typing System established in WAC 222-16-031 will continue to be used. The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes will classify streams, lakes and ponds. The department will prepare water type maps showing the location of Type S, F, and N (Np and Ns) Waters within the forested areas of the state. The maps will be based on a multiparameter, field-verified geographic information system (GIS) logistic regression model. The multiparameter model will be designed to identify fish habitat by using geomorphic parameters such as basin size, gradient, elevation and other indicators. The modeling process shall be designed to achieve a level of statistical accuracy of 95% in separating fish habitat streams and non-fish habitat streams. Furthermore, the demarcation of fish and nonfish habitat waters shall be equally likely to over and under estimate the presence of fish habitat. These maps shall be referred to as "fish habitat water typing maps" and shall, when completed, be available for public inspection at region offices of the department.

Fish habitat water type maps will be updated every five years where necessary to better reflect observed, in-field conditions. Except for these periodic revisions of the maps, on-the-ground observations of fish or habitat characteristics will generally not be used to adjust mapped water types. However, if an on-site interdisciplinary team using nonlethal methods identifies fish, or finds that habitat is not accessible due to naturally occurring conditions and no fish reside above the blockage, then the water type will be immediately changed to reflect the findings of the interdisciplinary team. The finding will be documented on a water type update form provided by the department and the fish habitat water type map will be updated as soon as practicable. If a dispute arises

concerning a water type the department shall make available informal conferences, as established in WAC 222-46-020 which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types.

The waters will be classified using the following criteria:

*** (1) "Type S Water"** means all waters, within their bankfull width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW including periodically inundated areas of their associated wetlands.

*** (2) "Type F Water"** means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

(a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a fish habitat stream and accessible during some period of the year; and

(ii) The off-channel water must be accessible to fish.

(3) "Type Np Water" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall.

However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see board manual section 23), then Type Np Waters begin at a point along the channel where the contributing basin area is:

(a) At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);

(b) At least 52 acres in other locations in Western Washington; or

(c) At least 300 acres in Eastern Washington.

(4) **"Type Ns Water"** means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters.

*(5) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(d) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(e) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(f) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps (see board manual section 23).

(g) "Intermittent streams" means those segments of streams that normally go dry.

(h) "Fish habitat" means habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-16-030, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-16-030, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040

and chapter 34.05 RCW. 97-24-091, § 222-16-030, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-16-030, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-16-030, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040, 87-23-036 (Order 535), § 222-16-030, filed 11/16/87, effective 1/1/88; Order 263, § 222-16-030, filed 6/16/76.]

WAC 222-16-031 Interim water typing system. Until the fish habitat water type maps mentioned above are available, waters will be classified according to the interim water typing system described below. If a dispute arises concerning a water type, the department shall make available informal conferences, which shall include the departments of fish and wildlife, ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

For the purposes of this interim water typing system see the following table:

Water Type Conversion Table

Permanent Water Typing	Interim Water Typing
Type "S"	Type 1 Water
Type "F"	Type 2 and 3 Water
Type "Np"	Type 4 Water
Type "Ns"	Type 5 Water

*(1) **"Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

*(2) **"Type 2 Water"** means segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and only considered Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type 2 Water designation provided by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Are within a federal, state, local or private campground having more than 30 camping units: Provided, That

the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit.

(d) Are used by fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater within the bankfull width and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or

(e) Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a fish bearing stream and be accessible during some period of the year; and

(ii) The off-channel water must be accessible to fish through a drainage with less than a 5% gradient.

***(3) "Type 3 Water"** means segments of natural waters which are not classified as Type 1 or 2 Waters and have a moderate to slight fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the board manual section 13. If fish use has not been determined:

(i) Waters having any of the following characteristics are presumed to have fish use:

(A) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less;

(B) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres contributing basin size in Eastern Washington, based on hydrographic boundaries;

(C) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;

(D) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

(ii) The department shall waive or modify the characteristics in (i) of this subsection where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geomorphic region is available to support a departure from the characteristics in (i) of this subsection, as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

***(4) "Type 4 Water"** means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see board manual, section 23), then Type 4 Waters begin at a point along the channel where the contributing basin area is:

(a) At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);

(b) At least 52 acres in other locations in Western Washington;

(c) At least 300 acres in Eastern Washington.

***(5) "Type 5 Waters"** means all segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 Water. Type 5 Waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 Waters.

***(6) For purposes of this section:**

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(d) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(e) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(f) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined uti-

lizing stream profiles plotted from United States geological survey topographic maps. (See board manual section 23.)

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-16-031, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-16-031, filed 5/30/01, effective 7/1/01.]

WAC 222-16-050 *Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices rules.

(1) **"Class IV - special."** Except as provided in WAC 222-16-051, application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as critical habitat (state) of threatened or endangered species.

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

*(d) Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal areas, on potentially unstable slopes or landforms described in (i) below that has the potential to deliver sediment or debris to a public resource or that has the potential to threaten public safety, and which has been field verified by the department (see WAC 222-10-030 SEPA policies for potential unstable slopes and landforms).

(i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following: (See the board manual section 16 for more descriptive definitions.)

(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than 35 degrees (70%);

(B) Toes of deep-seated landslides, with slopes steeper than 33 degrees (65%);

(C) Ground water recharge areas for glacial deep-seated landslides;

(D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or

(E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.

(ii) The department will base its classification of the application/notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports or other information provided by the applicant.

(iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:

(A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;

(B) The forest practices are to be conducted in accordance with an approved prescription from the watershed analysis (or as modified through the 5-year review process); and

(C) The applicable prescription is specific to the site or situation, as opposed to a prescription that calls for additional analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.

*(e) Timber harvest, in a watershed administrative unit not subject to an approved watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.

(f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

*(g) Forest practices subject to an approved watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

*(h) Filling or draining of more than 0.5 acre of a wetland.

(2) **"Class IV - general."** Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special."

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(b) Forest practices (other than those in Class I) on lands that have been or are being converted to another use;

(c) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development (see WAC 222-16-060 and 222-34-050); or

(d) Forest practices involving timber harvesting or road construction on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except where the forest landowner provides one of the following:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest products operations for ten years accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application.

Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with the State Environmental Policy Act.

(3) **"Class I."** Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type S, F or flowing Type Np Waters; or (ii) movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type S Water and does not involve disturbance of the beds or banks of any waters.

*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type

S Water, the riparian management zone of any Type F Water, or the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

*(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type S Water or the riparian management zone of a Type F Water, the bankfull width of a Type Np Water or flowing Type Ns Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on forest roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) **"Class II."** Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: Provided, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 77.55.100) or is within a "shorelines of the state," or involves owner of perpetual timber rights subject to RCW 76.09.067 (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or on lands that have been or are being converted to another use. No forest practice enumerated below involving timber harvest or road construction may be conducted as a "Class II" if it takes place within urban growth areas designated pursuant to chapter 37.70A RCW. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practices application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal. Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary 5-year review of the watershed analysis.

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

*(d) Salvage of logging residue if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent.

*(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) **"Class III."** Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 77.55.100).

*(b) Those within the shorelines of the state other than those in a Class I forest practice.

*(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

*(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

*(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

*(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type S, F or flowing Type Np Waters; or

(ii) Movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

(i) Operations involving owner of perpetual timber rights subject to RCW 76.09.067.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

*(o) Multiyear permits.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-16-050, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040, 76.09.050, 76.09.370, and 34.05.350. 02-17-099, § 222-16-050, filed 8/20/02, effective 9/20/02. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.050], [76.09.370], 76.13.120(9). 01-12-042, § 222-16-050, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 98-07-047, § 222-16-050, filed 3/13/98, effective 5/1/98; 97-24-091, § 222-16-050, filed 12/3/97, effective 1/3/98; 93-12-001, § 222-16-050, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-16-050, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350. 91-23-052, § 222-16-050, filed 11/15/91, effective 12/16/91. Statutory Authority: RCW 76.09.040. 88-19-112 (Order 551, Resolution No. 88-1), § 222-16-050, filed 9/21/88, effective 11/1/88; 87-23-036 (Order 535), § 222-16-050, filed 11/16/87, effective 1/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-16-050, filed 8/3/82, effective 10/1/82; Order 263, § 222-16-050, filed 6/16/76.]

WAC 222-16-070 Pesticide uses with the potential for a substantial impact on the environment. *To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section. See WAC 222-16-050 (1)(a).

(1) Pesticide list - The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The department shall conduct, in consultation with the departments of ecology, health, agriculture, and fish and wildlife, an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) Active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) Toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution," "warning," "danger," or "danger - poison" except as modified to consider aquatic or mammalian toxicity; and

(c) Whether the pesticide is a state restricted use pesticide for the protection of ground water under WAC 16-228-1231.

(2) Key for evaluating applications. To determine whether aerial application of a pesticide has the potential for a substantial impact on the environment, the department shall apply the following analysis:

KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALLY APPLIED PESTICIDES

Question	Question	Resp	Action
1 (a)	Is the pesticide on the pesticide list (WAC 222-16-070(1))?	Yes	go to 2
1 (b)	Is the pesticide being used under a Dept of Agriculture Experimental Use Permit (WAC 16-228-1460)?	No Yes	go to 1(b) Class III Class IV Sp
2	Is the toxicity rating for the pesticide to be used "Danger - Poison" as designated in the pesticide list (WAC 222-16-070 (1)(b))?	Yes No	Class IV Sp go to 3(a)
3 (a)	Is <i>Bacillus thuringiensis</i> (BT) the only pesticide being used on this application?	Yes No	go to 3(b) go to 4(a)
3 (b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical habitat (State) of a species within the application area that is susceptible to the BT strain being used?	Yes No	Class IV Sp Class III
4 (a)	Is this operation occurring over ground water with a high susceptibility to contamination as specified in EPA 910/9-87-169 or in documentation provided by the department of ecology?	Yes No	go to 4(b) go to 5(a)
4 (b)	Is this pesticide a state restricted use pesticide for the protection of ground water under WAC 16-228-1231?	Yes No	Class IV Sp go to 5(a)
5 (a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	go to 5(b) go to 5(e)
5 (b)	Determine the toxicity rating from the pesticide list: *Is the toxicity rating "Caution" or "Warning"?	Yes Yes Yes	go to 5(c) go to 5(d)
5 (c)	*Is the toxicity rating "Danger"? Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within one half mile downstream of the operation?	Yes No	Class IV Sp go to 5(e)
5 (d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within 1 mile downstream of the operation?	Yes No	Class IV Sp go to 5(e)
5 (e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV Sp go to 5(f)
5 (f)	Is the operation applying a pesticide in a Type A or B wetland?	Yes No	Class IV Sp go to 6(a)
6 (a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV Sp go to 6(b)

KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALLY APPLIED PESTICIDES

Question	Question	Resp	Action
6 (b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical habitat (State) of a species within the application area?	Yes No	Class IV Sp go to 6(c)
6 (c)	If there is a special concern identified for this pesticide in the Board manual, does it apply to this application?	Yes No	Class IV Sp Class III

(3) Special concerns (see WAC 222-16-070 (2)(c)) shall be evaluated by the department of agriculture. Information regarding special concerns shall be presented to the board for review. Approved special concerns shall be included in the board manual. Special concerns shall include situations where use of pesticides has the potential for a substantial impact on the environment, beyond those covered specifically in the key in subsection (2) of this section.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-16-070, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-16-070, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-16-070, filed 12/3/97, effective 1/3/98; 93-12-001, § 222-16-070, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-16-070, filed 7/2/92, effective 8/2/92.]

WAC 222-16-080 Critical habitats (state) of threatened and endangered species. (1) Critical habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle (*Haliaeetus leucocephalus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf (*Canis lupus*) - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear (*Ursus arctos*) - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain (woodland) caribou (*Rangifera tarandus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly (*Speyeria zerene hippolyta*) - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon (*Falco peregrinus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, docu-

mented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane (*Grus canadensis*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl (*Strix occidentalis caurina*)

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical habitat (state) for northern spotted owls.

(i) Western pond turtle (*Clemmys marmorata*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet (*Brachyramphus marmoratus*)

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre

greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior or Commerce, or specific forest practices within those habitats, have been determined to have the potential for a substantial impact on the environment and therefore are designated as critical habitats (state) of threatened or endangered species.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior or Commerce, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical habitats (state) of threatened or endangered species. This list shall be submitted to the board within 30 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior or Commerce which have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for inclusion in Class IV - Special forest practices. The department shall submit the list to the board within 30 days of the date the United States Secretary of the Interior or Commerce publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats included by the board in Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical habitats (state) of threatened and endangered species and specific forest practices designated in subsections (1) and (2) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission and by the United States Secretary of Interior or Commerce.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical habitat (state) (WAC 222-16-080 WAC 222-16-050 (1)(b)) for a species, if the forest practices are consistent with one or more of the following:

(a) Documents addressing the needs of the affected species provided such documents have received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.:

(i) A habitat conservation plan and incidental take permit; or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. § 1536(b) or 1539(a); or

(ii) An "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or

(iii) Other conservation agreement entered into with a federal agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species; or

(iv) A rule adopted by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service for the conservation of an affected species pursuant to 16 U.S.C. section 1533(d); or

(b) Documents addressing the needs of the affected species so long as they have been reviewed under the State Environmental Policy Act;

(i) A landscape management plan; or

(ii) Another cooperative or conservation agreement entered into with a state resource agency pursuant to its statutory authority for fish and wildlife protection;

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1);

(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105; or

(g) A take avoidance plan issued by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service prior to March 20, 2000.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical habitat (state) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-16-080, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-16-080, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-16-080, filed 12/3/97, effective 1/3/98; 97-15-105, § 222-16-080, filed 7/21/97, effective 8/21/97. Statutory Authority: Chapters 76.09 and 34.05 RCW, 96-12-038, § 222-16-080, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 93-12-001, § 222-16-080, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-16-080, filed 7/2/92, effective 8/2/92.]

Chapter 222-20 WAC

APPLICATION AND NOTIFICATION PROCEDURES

WAC

222-20-010	Applications and notifications—Policy.
222-20-020	Application time limits.
222-20-040	Approval conditions.
222-20-050	Conversion to nonforest use.
222-20-060	Deviation from prior application or notification.
222-20-075	*Exotic forest insect or disease outbreaks.

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in *WAC 222-20-020(1)* exist, the operation may commence. (NOTE: OTHER LAWS AND RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Except as provided in subpart (4) below, applications and notifications** shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)).

(4) In lieu of a landowner's signature, where the timber rights have been transferred by deed to a perpetual owner who is different from the forest landowner, the owner of perpetual timber rights may sign a forest practices application or notification for operations not converting to another use and the statement of intent not to convert for a set period of time. The holder of perpetual timber rights shall serve the signed forest practices application or notification and the signed statement of intent on the forest landowner. The forest practices application shall not be considered complete until the holder of perpetual timber rights has submitted evidence acceptable to the department that such service has occurred.

(5) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(6) **Transfer of the** approved application or notification to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices rules as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(8) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can

demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local governmental entity clearing and/or grading permit is necessary information for all Class IV applications on lands that have been or will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW, if the local governmental entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

(9) **An operator's name**, if known, must be included on any forest practices application or notification. The landowner or timber owner must provide notice of hiring or change of operator to the department within 48 hours. The department shall promptly notify the landowner if the operator is subject to a notice of intent to disapprove under WAC 222-46-070. Once notified, the landowner will not permit the operator, who is subject to a notice of intent to disapprove, to conduct the forest practices specified in the application or notification, or any other forest practices until such notice of intent to disapprove is removed by the department.

(10) **Financial assurances** may be required by the department prior to the approval of any future forest practices application or notification to an operator or landowner under the provisions of WAC 222-46-090.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-20-010, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-20-010, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 98-07-047, § 222-20-010, filed 3/13/98, effective 5/1/98; 93-12-001, § 222-20-010, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350, 91-23-052, § 222-20-010, filed 11/15/91, effective 12/16/91. Statutory Authority: RCW 76.09.040, 87-23-036 (Order 535), § 222-20-010, filed 11/16/87, effective 1/1/88; 82-18-053 (Resolution No. 82-2), § 222-20-010, filed 8/31/82. Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-20-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-20-010, filed 6/16/76.]

WAC 222-20-020 Application time limits. (1) **A properly completed application** shall be approved, conditioned or disapproved within 30 calendar days for Class III and Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV" applications when the department or the lead agency has determined that a detailed environmental statement must be made, the application must be approved, conditioned or disapproved within 60 days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least 10 days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of

public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands described in (c)(i) through (iv) of this subsection, the applicable time limit shall be no less than 14 business days from transmittal to the local governmental entity unless the local governmental entity has waived its right to object or has consented to approval of the application:

(i) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(ii) Lands that have been or are being converted to another use;

(iii) Lands which are not to be reforested because of likelihood of future conversion to urban development (see WAC 222-16-060 and 222-24-050); or

(iv) Forest practices involving timber harvesting or road construction on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW.

(2) **Unless the local governmental entity** has waived its rights under the act or consents to approval, the department shall not approve an application involving lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or lands that have been or are being converted to another use until at least 14 business days from the date of transmittal to the local governmental entity.

(3) **Where a notification** is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices rules, no penalty should be imposed for those operations which occurred prior to the enforcement action: Provided, That no damage to a public resource resulted from such operations, and the operations commenced more than 5 days from receipt by the department of the notification.

(4) **If the department** fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence except that this provision shall not apply where:

(a) The local governmental entity objects and the application involves lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or lands that have been or are being converted where the county's right of objection is 14 business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(c) Compliance with the State Environmental Policy Act requires additional time.

(5) **If seasonal field** conditions prevent the department from being able to properly evaluate the application, the department may disapprove the application until field conditions allow for an on-site review.

(6) An application for a multiyear permit must be approved, conditioned or disapproved by the department within 45 days of receiving a complete application.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-20-020, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-20-020, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040.

87-23-036 (Order 535), § 222-20-020, filed 11/16/87, effective 1/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-20-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-20-020, filed 6/16/76.]

WAC 222-20-040 Approval conditions. (1) **Whenever an approved** application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department 2 business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) Local governmental entity conditions.

(a) RCW 76.09.240(4) allows a local governmental entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is designed to ensure that local governmental entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to Class IV general applications on lands that have been or are being converted to a use other than commercial timber production or to Class IV general applications on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW.

(c) The department shall transmit the applications to the appropriate local governmental entity within two business days from the date the department receives the application.

(d) The department shall condition the application consistent with the request of the local governmental entity if:

(i) The local governmental entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local governmental entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local governmental entity has entered into an interagency agreement with the department consistent with WAC 222-50-030 addressing enforcement of forest practices.

(e) The local governmental entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or storm water management; or

(iv) The protection of critical areas designated pursuant to chapter 36.70A RCW.

(f) Local governmental entity conditions shall be filed with the department within twenty-nine days of the filing of the application with the department or within fourteen business days of the transmittal of the application to the local governmental entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local governmental entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local governmental entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) Lead agency mitigation measures.

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters 76.09 and 43.21C RCW and the rules in Title 222 WAC and chapter 197-11 WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under SEPA. (See WAC 197-11-758.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC 197-11-350.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within the later of (i) twenty-nine days of the receipt of the application by the department, (ii) fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local governmental entity; or (iii) one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead agency, the department must deny the application or require an EIS. (See WAC 197-11-738.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall deny the application.

(5) CRGNSA special management area.

(a) **Policy.** The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§ 544, et seq. chapter 43.97 RCW, 16 U.S.C. § 544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1). 16 U.S.C. § 544a.

The forest practices rules addressing forest practices in the CRGNSA special management area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and rules for forest practices in the CRGNSA special management area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA management plan,

and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

(b) The CRGNSA special management area guidelines shall apply to all forest practices within the CRGNSA special management area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirements controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines control. Copies of the guidelines can be obtained from the department Southeast and Southwest regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.

(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on an application or notification within the CRGNSA special management area.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-20-040, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-20-040, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 98-07-047, § 222-20-040, filed 3/13/98, effective 5/1/98. Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350, 91-23-052, § 222-20-040, filed 11/15/91, effective 12/16/91. Statutory Authority: RCW 76.09.040, 87-23-036 (Order 535), § 222-20-040, filed 11/16/87, effective 1/1/88; Order 263, § 222-20-040, filed 6/16/76.]

WAC 222-20-050 Conversion to nonforest use. (1) If an application to harvest signed by the landowner indicates that within 3 years after completion, the forest land will be converted to a specified active use which is incompatible with timber growing, the reforestation requirements of these rules shall not apply and the information relating to reforestation on the application form need not be supplied. However, if such specified active use is not initiated within 3 years after such harvest is completed, the reforestation requirements (see chapter 222-34 WAC) shall apply and such reforestation shall be completed within 1 additional year.

(2) For Class II, III, and IV special forest practices, if a landowner wishes to maintain the option for conversion to a use other than commercial timber operation the landowner may request the appropriate local governmental entity to approve a conversion option harvest plan. This plan, if approved by the local governmental entity and followed by the landowner, shall release the landowner from the six-year moratorium on future development, but does not create any other rights. The conversion option harvest plan shall be attached to the application or notification as a condition. Violation of the conversion option harvest plan will result in the reinstatement of the local governmental entity's right to the six-year moratorium. Reforestation requirements will not be waived in the conversion option harvest plan. Reforestation rules shall apply at the completion of the harvest operation as required in chapter 222-34 WAC. Nothing herein shall preclude the local governmental entity from charging a fee to approve such a plan. (See RCW 76.09.060 (3)(b)(i).)

(3) If the application or notification does not state that any land covered by the application or notification will be or is intended to be converted to a specified active use incompatible with commercial timber operations, or if the forest practice takes place without a required application or notification,

cation, then the provisions of RCW 76.09.060 (3)(b)(i) regarding the six-year moratorium apply.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-20-050, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-20-050, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350. 91-23-052, § 222-20-050, filed 11/15/91, effective 12/16/91; Order 263, § 222-20-050, filed 6/16/76.]

WAC 222-20-060 Deviation from prior application or notification. Substantial deviation from a notification or an approved application requires a revised notification or application. Other deviations may be authorized by a supplemental directive, notice to comply or stop work order. The department shall notify the departments of fish and wildlife, and ecology, and affected Indian tribes and the appropriate local governmental entity of any supplemental directive, notice to comply or stop work order involving a deviation from a prior notification or approved application, except where such notice has been waived.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-20-060, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-20-060, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040. 87-23-036 (Order 535), § 222-20-060, filed 11/16/87, effective 1/1/88; Order 263, § 222-20-060, filed 6/16/76.]

WAC 222-20-075 *Exotic forest insect or disease outbreaks. Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the state department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(1) For the purposes of this section, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(2) In order to minimize adverse impacts to public resources, control measures must be based in integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(3) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(4) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands has declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

(5) Nothing under this section relieves agencies conducting or directing control efforts from requirements of the federal Clean Water Act as administered by the department of ecology under RCW 98.48.260.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-20-075, filed 5/31/05, effective 7/1/05.]

Chapter 222-21 WAC

SMALL FOREST LANDOWNER FORESTRY RIPARIAN EASEMENT PROGRAM

WAC

222-21-030

Document standards.

WAC 222-21-030 Document standards. (1) Riparian easement. The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

(This version assumes ownership of land and trees)

FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this _____ day of _____, 20____, by _____ [a _____ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate] having an address at _____ ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

1.0 RECITALS AND PURPOSE

1.1 This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include avoiding the further erosion of the small forest landowners' economic viability and willingness or ability to keep the lands in forestry use which would reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, through the establishment of a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

1.2 This Easement is intended to protect the Qualifying Timber and riparian functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement as set forth in Exhibit B while preserving all lawful uses of the Easement Premises by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 The Easement Premises and Qualifying Timber are located, as described in **Exhibit A**; that the encumbrances, if any, are as set forth in **Exhibit A**, that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

2.0 CONVEYANCE AND CONSIDERATION

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on (month, date, year) *[50 years from the date the complete and accurate forest practices application is submitted]*, which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of ____ dollars (\$__.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

Date: _____

By: _____

GRANTEE:

State of Washington

By and Through the Department of
Natural Resources

Date: _____

(Title)

(insert form of acknowledgement, as appropriate)

EXHIBIT A

A1 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER

The Qualifying Timber includes the following categories of trees located within the Easement Premises:

[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber.] The Qualifying Timber is located as shown in the documentation attached hereto as Attachment A-1.

A2 DESCRIPTION AND LOCATION OF EASEMENT PREMISES

The Easement Premises is *[insert description using the standards developed under Section 504(9)(b) of the Salmon Recovery Act including the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises]* as shown in the documentation attached hereto as Attachment A-2 and is located in *[insert legal subdivision/lot, etc., in which the Easement Premises exists.]*

A3 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER

The parties agree that the current use, condition of the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-3 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

EXHIBIT B

FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS

B1 DEFINITIONS

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

"Danger Tree"
"Easement Premises"
"Qualifying Timber"
"Hazard Substances"
"Riparian Areas"
"Riparian Function"

B2 RIGHTS OF GRANTEE ***[Subsection B2.4 should be included only for multiple entry Easements.]***

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

B2.1 To enforce the terms of this Easement as provided in subsection **B9**.

B2.2 To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to evaluate Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

B2.3 To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

B2.4 Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.5**.

B3 RESTRICTIONS ON GRANTOR ***[Subsection B3.6 should be included only for multiple entry Easements.]*****B3.1 Inconsistent Uses of Riparian Easement Premises**

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber, is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

B3.2 Property Outside the Easement Premises

Grantor may change its use of the property on which the Easement lies to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the property as a courtesy to Grantee.

B3.3 Qualifying Timber

Grantor shall not engage in any activity which would result in the cutting of Qualifying Timber or the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

B3.4 Danger Trees and Salvage

Grantor may cut a Danger Tree, which shall be left in place within the Easement Premises or moved by Grantor inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

B3.5 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where Replacement Qualifying Timber is required, for review by Grantee. Grantor's thirty (30) days written notice to Grantee is effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber (if required) are marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded.

B3.6 Multiple Entry Easements

Grantor shall not, during the term of this Easement, make multiple entry harvests except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of timber, except that where a permit or approval is required from any government entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark timber to be removed for review by Grantee. Grantor's thirty (30) day written notice to Grantee is effective only after the timber to be removed is marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest. If Grantee does object and gives Grantor notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest until the objection is resolved.

B4 RESERVED RIGHTS

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

B5 PUBLIC ACCESS

No right of public access to or across, or any public use of, the Easement Premises or the property on which it lies is conveyed by this Easement.

B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION**B6.1 Costs, Legal Requirements, and General Liabilities**

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

B6.2 Taxes and Obligations

Grantor shall remain responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

B6.3 Hold Harmless

B6.3.a Grantor

To the extent permitted by law, Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection **B3**; (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

B6.3.b Grantee

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

B7 SUBSEQUENT TRANSFERS**B7.1 Grantee**

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.2 Grantor

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.3 Termination of Grantor's Rights and Obligations

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the property on which the Easement lies or the Qualifying Timber, except that liability under the Easement for acts or omissions occurring prior to transfer shall survive transfer.

B8 DISPUTE RESOLUTION

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

B9 ENFORCEMENT**B9.1 Remedies**

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County (subject to venue change under law) to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore Qualifying Timber cut or removed in violation of this Easement or for damages. Grantee may elect to pursue some or all of the remedies provided herein.

B9.1.a Damages and Restoration

If Grantor cuts or removes (or causes another to cut or remove) Qualifying Timber from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, or restoration. Damages for the cutting of Qualifying Timber or the removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement may be up to triple stumpage value times the proportion of the original compensation. The maximum amount of damages shall be calculated according to the following formula:

Where:

Sv = The stumpage value of the Qualifying Timber that is cut or removed from the Easement Premises at the time the damage was done;

C = The compensation paid by the state to the Grantor at the time the Easement became effective;

Vq = The original value of Qualifying Timber at the time the Easement became effective as calculated in WAC 222-21-050.

$$\text{Maximum Damages} = 3 * Sv * (C / Vq)$$

In addition the Grantor shall pay interest on the amount of the damages at the maximum interest rate allowable by law.

Grantee's rights to damages under this section shall survive termination. Restoration of Qualifying Timber may include either replanting or replacing trees or both, as determined by Grantee, in its sole discretion, to be appropriate. Replanting shall be by nursery transplant seedlings approved by Grantee with subsequent silvicultural treatment including without limitation weed control and fertilization approved by Grantee. Replacing trees shall be accomplished by designation of replacement trees of the size and species acceptable to Grantee. If replacement trees are designated to replace the Qualifying Timber cut or removed in violation of the terms of this Easement, the designated trees shall be thereafter treated as Qualifying Timber under this Easement.

B9.1.b Injunctive Relief. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement may be inadequate and that Grantee may be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies.

B9.1.c Relationship to Remedies in Other Laws. The remedies provided for in this section are in addition to whatever other remedies the state may have under other laws including without limitation the Forest Practices Act. Nothing in this Easement shall be construed to enlarge, diminish or otherwise alter the authority of the state to administer state law.

B9.2 Costs of Enforcement

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantee unless Grantee prevails in a judicial action to enforce the terms of this Easement, in which case costs shall be borne by Grantor, provided that nothing herein shall make Grantor liable for costs incurred by Grantee in taking enforcement actions pursuant to other state laws.

B9.3 Forbearance/Waiver

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

B9.4 Waiver of Certain Defenses

Grantor hereby waives any defense of laches, estoppel, or prescription.

B9.5 Acts Beyond Grantor's Control

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

B10 CONSTRUCTION AND INTERPRETATION**B10.1 Controlling Law**

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B10.2 Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

B10.3 Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

B11 AMENDMENT

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in a timely fashion in the official records of _____ County, Washington. All amendments shall be consistent with the purposes of this Easement.

B12 TERMINATION

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interest of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination.

B13 EXTINGUISHMENT

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment or eminent domain, if no rule for extinguishment exists.

B14 CONDEMNATION

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

B15 NOTICE

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage prepaid), addressed as follows:

(a) If to Grantor:

(b) If to Grantee:

Washington State Department of Natural Resources
Small Forest Landowner Office
DNR-Forest Practices Division
P.O. Box 47012
Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

B16 RECORDATION

Grantee shall record this instrument in timely fashion in the official records of _____ County, Washington and may rerecord it at any time as may be required to preserve its rights in this Easement.

B17 GENERAL PROVISIONS**B17.1 Severability**

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

B17.2 Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supersedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection **B11**.

B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the property on which the Easement lies for the term of this Easement set forth in subsection **2.1**.

B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any disparity between counterparts produced, the recorded counterpart shall be controlling.

B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 77.55 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

- (a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;
- (b) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;
- (c) The dates and areas of all planned future harvest entries on the easement premises;
- (d) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;
- (e) A description of past and current uses of the easement premises;
- (f) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of this section is considered part of the baseline documentation. In addition, the department will provide documentation that includes, but is not limited to:

- (a) Cruise information consistent with the standards and methods in WAC 222-21-040;
- (b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual section 17 for procedures for conducting assessment); and
- (c) A description of the easement consistent with WAC 222-21-035.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-21-030, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW, 03-06-039, § 222-21-030, filed 2/26/03, effective 3/29/03. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.-

040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-21-030, filed 5/30/01, effective 7/1/01.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Chapter 222-22 WAC WATERSHED ANALYSIS

WAC

222-22-010	Policy.
222-22-020	Watershed administrative units.
222-22-045	Cultural resources.
222-22-050	Level 1 watershed resource assessment.
222-22-060	Level 2 watershed resource assessment.
222-22-070	Prescriptions and management strategies.
222-22-080	*Approval of watershed analysis.
222-22-090	Use and review of watershed analysis.

WAC 222-22-010 Policy. *(1) Public resources may be adversely affected by the interaction of two or more forest practices. The purpose of this rule is to address these cumulative effects of forest practices on the public resources of fish, water, and capital improvements of the state or its political subdivisions.

(2) Cultural resources may also be adversely affected by the interaction of two or more forest practices. The purpose of this rule is also to achieve management and protection of these cultural resources by fostering cooperative relationships and agreements between landowners and tribes.

*(3) The long-term objective of this rule is to protect and restore these public and cultural resources and the productive capacity of fish habitat adversely affected by forest practices while maintaining a viable forest products industry. For public resources, the board intends that this be accomplished through prescriptions designed to protect and allow the recovery of fish, water, and capital improvements of the state or its political subdivisions, through enforcement against noncompliance of the forest practices rules in this Title 222 WAC, and through voluntary mitigation measures. For cultural resources, with the exception of sites registered on the

department of archaeology and historic preservation's archaeological and historic sites data base and all resources that require mandatory protection under chapters 27.44 and 27.53 RCW, the board intends that this be accomplished through voluntary management strategies. This system also allows for monitoring, subsequent watershed analysis, and adaptive management.

***(4)** Adaptive management in a watershed analysis process requires advances in technology and cooperation among resource managers. The board finds that it is appropriate to promulgate rules to address certain cumulative effects by means of the watershed analysis system, while recognizing the pioneering nature of this system and the need to monitor its success in predicting and preventing adverse change to fish, water, and capital improvements of the state and its political subdivisions. The board supports the use of voluntary, cooperative approaches to address impacts to cultural resources. If voluntary approaches are shown to be ineffective, the board may find it appropriate to seek additional protection to prevent adverse impacts to cultural resources.

***(5)** Many factors other than forest practices can have a significant effect on the condition of fish, water, capital improvements of the state or its political subdivisions, and cultural resources. Nonforest practice contributions to cumulative effects should be addressed by the appropriate jurisdictional authorities. When a watershed analysis identifies a potential adverse effect on fish, water, capital improvements of the state or its political subdivisions, or cultural resources from activities that are not regulated under chapter 76.09 RCW, the department should notify any governmental agency or Indian tribe having jurisdiction over those activities.

***(6)** The rules in this chapter set forth a system for identifying the probability of change and the likelihood of this change adversely affecting specific characteristics of fish, water, and capital improvements of the state or its political subdivisions, and for using forest management prescriptions to avoid or minimize significant adverse effects from forest practices. In addition, the rules in this chapter set forth a system for identifying the likelihood of adverse change affecting cultural resources and for developing voluntary management strategies to avoid or minimize significant adverse impacts to cultural resources. The rules in this chapter are in addition to, and do not take the place of, the other forest practices rules in this Title 222 WAC or laws for the protection of cultural resources including chapters 27.44 and 27.53 RCW.

***(7)** These rules are intended to be applied and should be construed in such a manner as to minimize the delay associated with the review of individual forest practices applications and notifications by increasing the predictability of the process and the appropriate management response.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-010, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-22-010, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-22-010, filed 7/2/92, effective 8/2/92.]

WAC 222-22-020 Watershed administrative units.

***(1)** For purposes of this chapter, the state is divided into areas known as watershed administrative units (WAUs). The department shall, in cooperation with the departments of

ecology, fish and wildlife, affected Indian tribes, local government entities, forest land owners, and the public, define WAUs throughout the state. The department shall identify WAUs on a map.

***(2)** WAUs should generally be between 10,000 to 50,000 acres in size and should be discrete hydrologic units. The board recognizes, however, that identified watershed processes and potential effects on resource characteristics differ, and require different spatial scales of analysis, and the department's determination of the WAUs should recognize these differences. The board further recognizes that mixed land uses will affect the ability of a watershed analysis to predict probabilities and identify causation as required under this chapter, and the department's conduct and approval of a watershed analysis under this chapter shall take this effect into account.

***(3)** The department is directed to conduct periodic reviews of the WAUs adopted under this chapter to determine whether revisions are needed to more efficiently assess potential cumulative effects. The department shall consult the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, local government entities, and the public. From time to time and as appropriate, the department shall make recommendations to the board regarding revision of watershed administrative units.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-020, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-22-020, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-22-020, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-22-020, filed 7/2/92, effective 8/2/92.]

WAC 222-22-045 Cultural resources. (1) Any watershed analysis initiated after July 1, 2005, is not complete unless the analysis includes a completed cultural resource module. Cultural resources module completeness is detailed in Appendix II of the module and includes affected tribe(s) participation, appropriate team qualification, required maps and forms, assessment of tribal and nontribal cultural resources, peer review of assessment, management strategies based on causal mechanism reports from synthesis, and agreement on the management strategies by affected tribes, landowners and land managers on the field managers team and, where applicable, the department of archaeology and historic preservation.

(2) When conducting watershed analysis revisions pursuant to WAC 222-22-090(4), the cultural resources module is not required if the watershed analysis was approved by the department prior to the date in subsection (1) of this section. However, the board encourages use of the cultural resources module upon such review.

(3) The department does not review or approve cultural resources management strategies because their implementation is voluntary. The department of archaeology and historic preservation must be consulted and agree on all management strategies involving sites registered on the department of archaeology and historic preservation's archaeological and historic sites data base and all resources that require mandatory protection under chapters 27.44 and 27.53 RCW.

(4) The cultural resources module may be conducted as a stand-alone method separate from a watershed analysis to

identify, protect, and manage cultural resources. When used as a stand-alone methodology:

(a) Selected components of the methodology may be used as the participants deem necessary or the module may be used in its entirety.

(b) The methodology may be used at a variety of geographic scales and may be initiated by tribes, land managers or landowners. Landowner or land manager initiation is not limited by the minimum ownership threshold requirements in this chapter. Nothing in this rule grants any person or organization initiating the cultural resources module as a stand-alone method any right of entry onto private property.

(c) Watershed analysis notice requirements to the department do not apply.

(d) Participants are encouraged to engage people that meet the minimum qualifications to conduct the module as set by this chapter.

(e) In order for a stand-alone module to be incorporated into a watershed analysis, the module must have been conducted in accordance with the requirements of this chapter.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-045, filed 5/31/05, effective 7/1/05.]

WAC 222-22-050 Level 1 watershed resource assessment. *(1) To begin a watershed resource analysis on a WAU, the department shall assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1). A forest land owner or owners acting under WAC 222-22-040(3) may assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1) or, at its option, may begin the analysis under WAC 222-22-060. Each level 1 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include a person or persons qualified in the following:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science;
- (e) Geomorphology;
- (f) Cultural anthropology; and
- (g) Archaeology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense. The cultural resources module must include the participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1) *Using this methodology in formal watershed analysis*.

*(2) The level 1 team shall perform an inventory of the WAU utilizing the methodology, indices of resource condition, and checklists set forth in the manual in accordance with the following:

(a) The team shall survey the WAU for fish, water, and capital improvements of the state or its political subdivisions, and conduct an assessment for cultural resources.

(b) The team shall display the location of these resources on a map of the WAU, except mapping of tribal cultural resources sites must be approved by the affected tribe. The location of archaeological sites shall be on a separate map

that will be exempt from public disclosure per RCW 42.17.-310 (1)(k).

(c) For public resources (fish, water, and capital improvements of the state or its political subdivisions):

(i) The team shall determine the current condition of the resource characteristics of these resources, shall classify their condition as "good," "fair," or "poor," and shall display this information on the map of the WAU. The criteria used to determine current resource conditions shall include indices of resource condition, in addition to such other criteria as may be included in the manual. The indices will include two levels, which will distinguish between good, fair, and poor conditions.

(ii) The team shall assess the likelihood that identified watershed processes in a given physical location will be adversely changed by one forest practice or by cumulative effects and that, as a result, a material amount of water, wood, sediment, or energy (e.g., affecting temperature) will be delivered to fish, water, or capital improvements of the state or its political subdivisions. (This process is referred to in this chapter as "adverse change and deliverability.") (For example, the team will address the likelihood that road construction will result in mass wasting and a slide that will in turn reach a stream.) The team shall rate this likelihood of adverse change and deliverability as "high," "medium," "low," or "indeterminate." Those likelihoods rated high, medium, or indeterminate shall be displayed on the map of the WAU.

(iii) For each instance of high, medium, or indeterminate likelihood of adverse change and deliverability identified under (c)(ii) of this subsection, the team shall assess the vulnerability of potentially affected resource characteristics. Criteria for resource vulnerability shall include indices of resource condition as described in (c)(i) of this subsection and quantitative means to assess the likelihood of material adverse effects to resource characteristics caused by forest practices. (For example, the team will assess the potential damage that increased sediment caused by a slide reaching a stream will cause to salmon spawning habitat that is already in fair or poor condition.) The team shall rate this vulnerability "high," "medium," "low," or "indeterminate" and shall display those vulnerabilities on the map of the WAU. If there are no other criteria in the manual to assess vulnerability at the time of the assessment, current resource condition shall be used, with good condition equivalent to low vulnerability, fair condition equivalent to medium vulnerability, and poor condition equivalent to high vulnerability.

(iv) The team shall identify as areas of resource sensitivity, as provided in table 1 of this section, the locations in which a management response is required under WAC 222-22-070(3) because, as a result of one forest practice or of cumulative effects, there is a combination of a high, medium, or indeterminate likelihood of adverse change and deliverability under (c)(ii) of this subsection and a low, medium, high, or indeterminate vulnerability of resource characteristics under (c)(iii) of this subsection:

Table 1
Areas of Resource Sensitivity and Management Response

<i>Likelihood of Adverse Change and Deliverability</i>			
	Low	Medium	High
<i>Vulnerability</i>	Low	Standard rules	Response: Prevent or avoid
	Medium	Standard rules	Response: Minimize
	High	Standard rules	Response: Prevent or avoid

The team shall display the areas of resource sensitivity on the map of the WAU.

(v) The decision criteria used to determine low, medium, and high likelihood of adverse change and deliverability shall be as set forth in the manual. A low designation generally means there is minimal likelihood that there will be adverse change and deliverability. A medium designation generally means there is a significant likelihood that there will be adverse change and deliverability. A high designation generally means that adverse change and deliverability is more likely than not with a reasonable degree of confidence. Any areas identified as indeterminate in the level 1 assessment shall be classified for the purposes of the level 1 assessment as medium until a level 2 assessment is done on the WAU under WAC 222-22-060, during which the uncertainties shall be resolved.

(d) For cultural resources, the team shall follow the methodology outlined in the cultural resources module to determine the risk call for cultural resources based upon resource vulnerability and resource importance.

(e) The team shall prepare a causal mechanism report regarding the relationships of each process identified in (c) and (d) of this subsection. The report shall demonstrate that the team's determinations were made in accordance with the manual. If, in the course of conducting a level 1 assessment, the team identifies areas in which voluntary corrective action will significantly reduce the likelihood of material, adverse effects to the condition of a resource characteristic, the team shall include this information in the report, and the department shall convey this information to the applicable land owner.

*(3) Within 21 days of mailing notice under WAC 222-22-040(4), the level 1 team shall submit to the department its draft level 1 assessment, which shall consist of the map of the WAU marked as set forth in this section and the causal mechanism report proposed under subsection (2)(e) of this section. If the level 1 team is unable to agree as to one or more resource sensitivities or potential resource sensitivities, or the causal mechanism report, alternative designations and an explanation therefor shall be included in the draft assessment. Where the draft level 1 assessment delivered to the department contains alternative designations, the department shall within 21 days of the receipt of the draft level 1 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

*(4) If the level 1 assessment contains any areas in which the likelihood of adverse change and deliverability or

resource vulnerability are identified as indeterminate under this section or if the level 1 methodology recommends it, the department shall assemble a level 2 assessment team under WAC 222-22-060 to resolve the uncertainties in the assessment, unless a forest land owner acting under WAC 222-22-040(3) has conducted a level 2 assessment on the WAU.

*(5) Pending the completion of the level 2 assessment, if any, on the WAU, the department shall select interim prescriptions using the process and standards described in WAC 222-22-070 (1), (2), and (3) and 222-22-080(3) and shall apply them to applications and notifications as provided in WAC 222-22-090 (1) and (2). Before submitting recommended interim prescriptions to the department, the field managers' team under WAC 222-22-070(1) shall review the recommended prescriptions with available representatives of the jurisdictional management authorities of the fish, water, capital improvements of the state or its political subdivisions, and cultural resources in the WAU, including, but not limited to, the departments of fish and wildlife, ecology, and affected Indian tribes.

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-22-050, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-22-050, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-22-050, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-22-050, filed 7/2/92, effective 8/2/92.]

WAC 222-22-060 Level 2 watershed resource assessment.

*(1) The department, or forest land owner acting under WAC 222-22-040(3), may assemble a level 2 assessment team either, in the case of a forest land owner, to begin a watershed analysis or to review the level 1 assessment on a WAU. The level 2 team shall consist of specialists qualified under WAC 222-22-030(1). Each level 2 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include a person or persons qualified in the following:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science;
- (e) Geomorphology;
- (f) Cultural anthropology; and
- (g) Archaeology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to designate one qualified member of the team at its own expense. The cultural resources module must include the participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1) *Using this methodology in formal watershed analysis.*

*(2) The level 2 team shall perform an assessment of the WAU utilizing the methodology, indices of resource condition, and checklist set forth in the manual in accordance with the following:

(a) If a level 1 assessment has not been conducted under WAC 222-22-050, the assessment team shall complete the tasks required under WAC 222-22-050(2), except that the level 2 team shall not rate any likelihood of adverse change and deliverability or resource vulnerability as indeterminate.

(b) If the level 2 team has been assembled to review a level 1 assessment, the level 2 team shall, notwithstanding its optional review of all or part of the level 1 assessment, review each likelihood of adverse change and deliverability and resource vulnerability rated as indeterminate and shall revise each indeterminate rating to low, medium, or high and shall revise the map of the WAU accordingly.

*(3) Within 60 days of mailing notice under WAC 222-22-040(4) where a watershed analysis begins with a level 2 assessment or within 60 days of beginning a level 2 assessment after completion of a level 1 assessment, the level 2 team shall submit to the department its draft level 2 assessment, which shall consist of the map of the WAU and the causal mechanism report.

*(4) The level 2 team shall endeavor to produce a consensus report. If the level 2 team is unable to agree as to one or more areas of resource sensitivity or the causal mechanism report, alternative designations and an explanation therefor shall be included in the draft assessment. Where the draft level 2 assessment delivered to the department contains alternative designations or reports, the department shall within 30 days of the receipt of the draft level 2 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-060, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-22-060, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-22-060, filed 7/2/92, effective 8/2/92.]

WAC 222-22-070 Prescriptions and management strategies.

*(1) For each WAU for which a watershed analysis is undertaken, the department, or forest land owner acting under WAC 222-22-040(3), shall assemble a team of field managers qualified under WAC 222-22-030(1). The team shall include persons qualified in the disciplines indicated as necessary in watershed analysis methods, and shall generally include a person or persons qualified in the following:

- (a) Forest resource management;
- (b) Forest harvest and road systems engineering;
- (c) Forest hydrology;
- (d) Fisheries science or management;
- (e) Cultural anthropology and/or archaeology, depending on the cultural resources identified in the assessment.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense. The cultural resources module must include the participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1) *Using this methodology in formal watershed analysis*.

*(2) Each forest land owner in a WAU shall have the right to submit to the department or the forest land owner conducting the watershed analysis prescriptions for areas of resource sensitivity on its land. If these prescriptions are received within the time period described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

*(3) For each identified area of resource sensitivity, the field managers team shall, in consultation with the level 1 and level 2 teams, if any, select and recommend to the department prescriptions. These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set forth in table 1 in WAC 222-22-050 (2)(c)(iv), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics in accordance with the following:

(a) The prescriptions shall be designed to provide forest land owners and operators with as much flexibility as is reasonably possible while addressing the area of resource sensitivity. The prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment, orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features identified in the WAU as areas of resource sensitivity but not fully mapped;

(b) Restoration opportunities may be included as voluntary prescriptions where appropriate;

(c) Each set of prescriptions shall provide for an option for an alternate plan under WAC 222-12-040, which the applicant shows meets or exceeds the protection provided by the other prescriptions approved for a given area of resource sensitivity;

(d) The rules of forest practices and cumulative effects under this chapter shall not require mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to the department for consideration under RCW 76.09.300 et seq.; and

(e) The forests and fish riparian permanent rules, when effective, supersede all existing watershed analysis riparian prescriptions with the exception of riparian management zones for exempt 20-acre parcels, when watershed analysis prescriptions were in effect before January 1, 1999. (See WAC 222-30-021, 222-30-022, and 222-30-023.) No new riparian prescriptions will be written after completion of the riparian management zone assessment report during a watershed analysis.

*(4) For each identified cultural resource area of resource sensitivity, the field managers team shall develop cultural resources management strategies in consultation with the assessment team and affected tribe(s).

(a) If a management strategy involves a site registered on the department of archaeology and historic preservation's archaeological and historic sites data base, data recovery at an archaeological site, or any resource that requires mandatory protection under chapters 27.44 and 27.53 RCW, the field managers team shall submit the management strategy to the department of archaeology and historic preservation for agreement.

(b) The management strategies should be reasonably designed to protect or allow the recovery of resources by measures that minimize or prevent or avoid risks identified in the assessment.

(c) Management strategies resulting from conducting a cultural resources module are voluntary, not mandatory prescriptions, whether the module is conducted as part of a watershed analysis or as a stand-alone method separate from

watershed analysis. However, the mandatory protections of resources under chapters 27.44 and 27.53 RCW still apply.

(5) The field managers team shall submit the recommended prescriptions, monitoring recommendations and cultural resources management strategies to the department within 30 days of the submission to the department of the level 2 assessment under WAC 222-22-060 or within 21 days of the submission to the department of the level 1 assessment under WAC 222-22-050.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-070, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-22-070, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW, 94-01-134, § 222-22-070, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-22-070, filed 7/2/92, effective 8/2/92.]

WAC 222-22-080 *Approval of watershed analysis.

(1) Upon receipt of the recommended prescriptions and management strategies resulting from a level 2 assessment under WAC 222-22-060 or a level 1 assessment under WAC 222-22-050 where a level 2 assessment will not be conducted, the department shall select prescriptions. The department shall circulate the draft watershed analysis to the departments of ecology, fish and wildlife, affected Indian tribes, local government entities, forest land owners in the WAU, and the public for review and comment. The prescriptions recommended by the field managers' team shall be given substantial weight. Within thirty days of receipt of the prescriptions and management strategies, the department shall review comments, revise the watershed analysis as appropriate, and approve or disapprove the watershed analysis for the WAU.

*(2) The department should notify any governmental agency or Indian tribe having jurisdiction over activities which are not regulated under chapter 76.09 RCW but which are identified in the draft analysis as having a potential for an adverse impact on identified fish, water, capital improvements of the state or its political subdivisions, and cultural resources.

*(3) The department shall approve the draft watershed analysis unless it finds:

(a) For any level 1 assessment or level 2 assessment, that:

(i) The team failed in a material respect to apply the methodology, indices of resource condition, or checklists set forth in the manual; or

(ii) A team meeting the criteria promulgated by the department and using the defined methodologies, indices of resource conditions, and checklists set forth in the manual could not reasonably have come to the conclusions identified in the draft level 1 or level 2 assessment; and

(b) For the prescriptions, that they will not accomplish the purposes and policies of this chapter and of the Forest Practices Act, chapter 76.09 RCW.

(c) In making its findings under this subsection, the department shall take into account its ability to revise assessments under WAC 222-22-090(3).

*(4) If the department does not approve the draft watershed analysis, it shall set forth in writing a detailed explanation of the reasons for its disapproval.

(5) All watershed analyses must be reviewed under SEPA on a nonproject basis. SEPA review may take place

concurrently with the public review in subsection (1) of this section. (See WAC 222-10-035.)

(6) The department will not review or approve cultural resource management strategies because their implementation is voluntary.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-080, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-22-080, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-22-080, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW, 94-01-134, § 222-22-080, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-22-080, filed 7/2/92, effective 8/2/92.]

WAC 222-22-090 Use and review of watershed analysis. *(1) Where a watershed analysis has been completed for a WAU under this chapter:

(a) Any landowner within the WAU may apply for a multiyear permit to conduct forest practices according to the watershed analysis prescriptions. This permit is not renewable if a five-year review is found necessary by the department and has not been completed.

(b) Nonmultiyear forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest land owner shall use in conducting the forest practice in the area of resource sensitivity;

(c) The department shall assist operators, timber owners, and forest land owners in obtaining governmental permits required for the prescription (see WAC 222-50-020 and 222-50-030);

(d) The department shall confirm that the prescription selected under (b) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

(e) The department shall not further condition forest practices applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practices applications and notifications outside an area of resource sensitivity in a WAU, except for reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU, and except to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

*(2) Pending completion of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available.

Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

*(3) The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, and field managers as determined under WAC 222-22-030. Subsequent watershed analysis and monitoring recommendations in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

*(4) Where the condition of resource characteristics in a WAU are fair or poor, the department shall evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU. Aside from the foregoing, once a watershed analysis is completed on a WAU, it shall be revised in whole or in part upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, if necessary;

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU;

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a 12-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a 12-month period unless the department determines, in cooperation with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement; or

(d) The request of an owner of forest land in the WAU, which wishes to conduct a watershed analysis at its own expense.

Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be conditioned under the current watershed analysis pending the completion of any revisions.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-22-090, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-22-090, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-22-090, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-22-090, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-22-090, filed 7/2/92, effective 8/2/92.]

Chapter 222-23 WAC

RIPARIAN OPEN SPACE PROGRAM

WAC

222-23-020	Submitting and processing of applications for the riparian open space program.
222-23-025	Priorities for conveyances—Use of lands conveyed.

WAC 222-23-020 Submitting and processing of applications for the riparian open space program. (1) Qualifying CMZ land(s). Lands that qualify for the riparian open space program are those lands located within an unconfined avulsing channel migration zone and are, as of the date an application is submitted to the department under this section, identified in records of the applicable county assessor as being classified or designated as forest land under chapter 84.33 RCW or as being subject to current use taxation as forest land under chapter 84.34 RCW. Qualifying CMZ lands may be placed in the riparian open space program whether they represent all or just a portion of the lands within the channel migration zone along a particular stream segment. That is, the lands to be placed in the program may include all of a landowner's lands located within the channel migration zone up to the boundary between that zone and the RMZ core area, or lands to be included may include only a portion of a landowner's lands within an unconfined avulsing channel migration zone of a given stream segment. Likewise, where more than one landowner owns land within the channel migration zone of a given stream segment, any landowner may elect to participate in the riparian open space program without regard to participation of neighboring landowners.

Land does not qualify for the riparian open space program where the department has determined that:

(a) The lack of legal access to the land is likely to materially impair the department's ability to administer the riparian open space program with respect to the land;

(b) All persons having an interest of any description in the land, including, but not limited to, joint tenancy, tenancy in common, holder of easement, or holder of lien or security interest, have not agreed to convey or subordinate such interests to the state to the extent deemed necessary by the state to transfer the fee or easement free of or superior to any such interest;

(c) The land is subject to unacceptable liabilities as defined in WAC 222-23-020(4); or

(d) There is any other circumstance making the land unsuitable for fisheries enhancement or ecological protection.

(2) **Application.** An owner or owners of qualifying CMZ lands may apply to the department to place the lands within the riparian open space program. Applications for the riparian open space program may, at the landowners' option, be submitted at the same time as a forest practices application for adjoining or nearby forestlands, or may be submitted separately (and without reference to or the requirement of a current forest practices application). The application for the riparian open space program shall be in writing on a form provided by the department and shall contain the following information:

(a) Name, address, and telephone number of applicant(s);

(b) Contact name and telephone number for questions concerning the application;

(c) Location and description of the land proposed for inclusion in the program, including estimated acreage, a description of the methods used by the landowner to determine that the land is qualifying CMZ land and a map showing the approximate boundary between the channel migration zone and the adjoining RMZ core area (and in situations were

the latter is not applicable, a description of the process the landowner used to determine that the qualifying CMZ land is within an unconfined avulsing stream channel migration zone);

(d) Tax parcel identification number(s) that contain the qualifying CMZ land;

(e) List of all persons having any right or interest in the land covered by the application for the riparian open space program and a description of such right or interest;

(f) The stumpage value area and hauling zone in which the qualifying lands lie (see map at WAC 458-40-640).

(g) A map of the qualifying CMZ land;

(h) A statement indicating the landowner's desire to place the land covered by the application within the riparian open space program and whether the landowner wishes to convey the qualifying land in fee or convey only a conservation easement;

(i) Whether the landowner wishes to receive the statutory compensation for the conveyance or wishes to donate the qualifying CMZ land;

(j) Whether the landowner representative submitting the application is aware of the presence of any hazardous substances on the lands;

(k) Description and documentation of the legal and physical access to the land being acquired;

(l) The type of boundary description proposed by landowner (survey or other description); and

(m) Any other information DNR determines is necessary to assess whether the land qualifies for the riparian open space program.

(3) **Review and processing of application.** Within ninety days of receipt of a complete and accurate application for the riparian open space program, the department shall preliminarily determine (and advise the applicant) whether lands proposed for the riparian open space program appear to meet the requirements of this chapter and of RCW 76.09.040 (3) and (4), and, if so, whether there is funding available for the purchase. This determination is subject to subsequent confirmation of all information required for the program and eligibility of the land as qualifying for the program. If the preliminary determination is that the land qualifies for the program and if funding is available for the proposed purchase, then the following shall occur within the ninety days following notice to the landowner of the preliminary determination:

(a) The landowner, in cooperation with the department, shall delineate on the ground the boundary line between the CMZ and the RMZ core area; following which,

(b) The department shall verify the appropriateness of that delineation, determine the standards for the boundary description (i.e., a survey or other), make a final determination whether there are any unacceptable liabilities on the lands proposed for inclusion in the program, and communicate the foregoing to the landowner.

If the department determines there are no unacceptable liabilities on the lands, the landowner shall mark the boundary (as verified) using tree tags or other long-term boundary marking methods specified by the department.

(4) **Unacceptable liabilities.** As used in this section, unacceptable liabilities are created by the presence of hazardous substances on the qualifying CMZ lands or by other condition that creates such a liability to the department that may

jeopardize the department's ability to maintain fisheries enhancement or the ecological protection of the qualifying CMZ lands, and with respect to which liability the applicant is unwilling or unable to provide reasonable indemnification to the department. If the department finds unacceptable liabilities with respect to qualifying CMZ lands, the department may reject the landowner's application.

(5) **Preparation of conveyance documents.** Within ninety days following placement in the field of the long-term boundary between the CMZ and the RMZ core area as provided for in subsection (3) of this section, the following shall occur:

(a) The landowner shall:

(i) Traverse the boundary to determine the acreage of the qualifying lands;

(ii) Either perform a legal land survey or otherwise document the boundaries consistent with the requirements of WAC 222-23-030(3), as applicable; and

(iii) Prepare a map of the qualifying CMZ lands suitable for recording.

(b) The department shall:

(i) Conduct and finalize a cruise of the timber on the qualifying CMZ lands;

(ii) Determine the statutory compensation to be paid to the landowner;

(iii) Prepare conveyance documents consistent with this chapter; and

(iv) Prepare any other documents necessary for closing and recording the conveyance, including without limitation a real estate excise tax affidavit.

(6) **Timber cruise.** The timber cruise will be conducted by the department using a cruiser acceptable to the department and the landowner and using generally accepted cruise methodology and sampling intensity acceptable to both parties. The timber cruise shall measure all trees within the lands to be conveyed that contain measurable log volume and develop all information (species and grade) with respect to those trees necessary to apply the stumpage tables developed by the department of revenue pursuant to RCW 84.33.091; this includes volume by species and grade sufficient to apply the department of revenue stumpage tables in WAC 458-40-640, 458-40-650 and 458-40-660 (1) and (2). The department will provide the cruise data to the landowner; within thirty days thereafter, the landowner shall advise the department whether the cruise results are acceptable. The landowner or the department may, at their option, perform a check cruise.

(7) **Compensation for conveyances.** RCW 76.09.040 (3) specifies the compensation the department shall pay for purchases of qualifying CMZ lands, unless the landowner chooses to donate the property in fee or donate a conservation easement.

(a) **Fee interests.** For conveyances of fee interests, the department shall pay for both the land value and the timber value, as determined in this subsection. The land value component shall be the acreage of qualifying CMZ lands to be conveyed multiplied by the average per acre value of all commercial forest land in Western Washington or the average for Eastern Washington, whichever average is applicable to the qualifying CMZ lands. The department shall determine the Western and Eastern Washington averages based on the land value tables established by RCW 84.33.120 and revised annually by the department of revenue (see WAC 458-40-

540). The timber value component of the compensation shall be based on the cruise volume multiplied by the appropriate department of revenue stumpage values from the stumpage value table for the applicable stumpage value area and hauling distance zone. The stumpage value tables to be applied are those found in WAC 458-40-660(2). Except as provided in (c) of this subsection, the tables applied shall be those in effect as of the date the application under this section is submitted to the department by the landowner.

(b) Conservation easements. Conservation easements shall be perpetual and not for a term of years. For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation shall only include the timber value component, determined as set forth in subsection (7)(a) of this section. For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation shall include the timber value component plus such portion of the land value component as determined just and equitable by the department.

(c) Adjustment in compensation. Where the department does not complete its duties as required in subsections (3) through (5) of this section within the required time period or the department is unable to complete the acquisition because of a lack of funds or other reason, the landowner has the option to require that the department recompute the compensation based on the most recently published land value and stumpage value tables.

(8) Management options. In any circumstance where qualifying CMZ lands are not acquired by the department in fee or through a conservation easement, the landowner may elect to develop a management option for the lands in cooperation with the department, other agencies and affected Indian tribes.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-23-020, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-23-020, filed 5/30/01, effective 7/1/01.]

WAC 222-23-025 Priorities for conveyances—Use of lands conveyed. (1) Priorities for conveyances. The legislature recognized, in RCW 77.85.180(4), that the adoption of forest practices rules consistent with the forests and fish report will impose substantial burdens on forest landowners. The purpose of this program, which will be administered by the department, is to compensate landowners and provide for ecological protection and fisheries enhancement. The department shall prioritize applications under this section based on the following criteria (not in priority order): Order of receipt, ecological value (including importance to salmonids, water quality benefits, quality of habitat, site significance, etc.), and immediacy of need. If funding is or becomes unavailable to consummate a conveyance with respect to otherwise qualifying CMZ lands, the application may (at the landowner's option) be kept on file at the department pending the future availability of funding. The department will consult with representatives of affected Indian tribes, department of fish and wildlife, and department of ecology as necessary for technical expertise. The board will include, in its reports to the legislature required in RCW 76.09.380, a review of this program

with recommended amendments, as necessary, to accomplish the goals of this program.

(2) Use and management of lands and easement interests acquired under riparian open space program. Subject to the exceptions set forth in this subsection (or as otherwise provided in the conveyance or easement documents), the lands conveyed or subject to the conservation easements under this chapter shall be managed by the department only in a manner necessary for ecological protection or fisheries enhancement. The conveyance of lands under the riparian open space program shall not create a right of public access to the conveyed lands across adjoining or other lands owned by the landowner conveying property or an easement under the riparian open space program.

(3) Transfer of fee or easement interest or management responsibility. After acquisition of a fee or easement interest in qualifying CMZ lands, the department may transfer its interest in such lands by a recorded instrument to another state agency, a local governmental entity within which the lands lie, or a private nonprofit nature conservancy corporation (as defined in RCW 64.04.130). Alternatively, the department may contract with one or more of the foregoing entities to exercise the department's management authority over the qualifying CMZ lands. Any such contract will include provisions fully advising the contracting party of the rights of the landowner under this chapter and the conveyance instrument. The department shall notify the landowner of any transfer of its interest in the qualifying CMZ lands or any transfer of management responsibilities over those lands, provided that failure to so notify the landowner shall not affect the validity of the transfer.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-23-025, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-23-025, filed 5/30/01, effective 7/1/01.]

Chapter 222-24 WAC

ROAD CONSTRUCTION AND MAINTENANCE

WAC

222-24-010

Policy.

222-24-051

*Road maintenance schedule.

WAC 222-24-010 Policy. *(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

*(2) To protect water quality and riparian habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. This will be accomplished by constructing and maintaining roads so as not to result in the delivery of sediment and surface water to any typed water in amounts, at times or by means, that preclude achieving desired fish habitat and water quality by:

- Providing for fish passage at all life stages (see Washington state department of fish and wildlife hydraulic code Title 220 WAC);

- Preventing mass wasting;
- Limiting delivery of sediment and surface runoff to all typed waters;

- Avoiding capture and redirection of surface or ground water. This includes retaining streams in their natural drainages and routing subsurface flow captured by roads and road ditches back onto the forest floor;

- Diverting most road runoff to the forest floor;
- Providing for the passage of some woody debris;
- Protecting stream bank stability;
- Minimizing the construction of new roads; and
- Assuring that there is no net loss of wetland function.

The road construction and maintenance rules in this chapter must be applied in achieving these goals. Additional guidance is identified in the board manual section 3. If these goals are not achieved using the rules and the applied guidance, additional management strategies must be employed.

*(3) Extra protection is required during road construction and maintenance to protect public resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate in the development of road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.

*(4) This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and rules and/or permit requirements may apply. See chapter 222-50 WAC.)

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-24-010, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-24-010, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW, 94-01-134, § 222-24-010, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-24-010, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040, 87-23-036 (Order 535), § 222-24-010, filed 11/16/87, effective 1/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-24-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-24-010, filed 6/16/76.]

WAC 222-24-051 *Road maintenance schedule. All forest roads must be covered under an approved road maintenance and abandonment plan within 5 years of the effective date of this rule or by December 31, 2005. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 222-24-052(4).

*(1) Landowners with 500 acres or more of forest land in a DNR region must maintain a schedule of submitting plans to the department that cover 20% of their roads or land base each year.

*(2) Landowners with less than 500 acres of forest land in a DNR region must submit with their first forest practices application or notification a road maintenance and abandonment plan covering the roads that will be used by the applica-

tion. Within one year of the date of submittal of the first forest practices application or notification or before the end of 2005, whichever comes first, the landowner must submit a road maintenance and abandonment plan for the rest of their ownership in that region. Once the plan is approved, the landowner must attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications.

(3) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan. A proposal to update the road plan to meet the current road maintenance standards must be submitted to the department for review on or before the next scheduled road maintenance plan review. If annual reviews are not required as part of the watershed analysis road plan, the plan must be updated by October 1, 2005. All roads in the planning area must be in compliance with the current rules by the end of calendar year 2015. See the board manual section 3 for road maintenance and abandonment plan outline.

*(4) Plans will be submitted by landowners on a priority basis. Road systems or drainages in which improvement, abandonment or maintenance have the highest potential benefit to the public resource are the highest priority. Based upon a "worst first" principle, work on roads that affect the following are presumed to be the highest priority:

(a) Basins containing, or road systems potentially affecting, waters which either contain a listed threatened or endangered fish species under the federal or state law or a water body listed on the current 303(d) water quality impaired list for road related issues.

(b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas with a history of slope failures.

(c) Road systems or basins where other restoration projects are in progress or may be planned coincident to the implementation of the proposed road plan.

(d) Road systems or basins likely to have the highest use in connection with future forest practices.

*(5) Based upon a "worst first" principle, road maintenance and abandonment plans must pay particular attention to:

(a) Roads that block fish passage;

(b) Roads that deliver sediment to typed water;

(c) Roads with evidence of existing or potential instability that could adversely affect public resources;

(d) Roads or ditchlines that intercept ground water; and

(e) Roads or ditches that deliver surface water to any typed waters.

*(6) Road maintenance and abandonment plans must include:

(a) Ownership maps showing all forest roads, including orphan roads; planned and potential abandonment, all typed water, Type A and B Wetlands that are adjacent to or crossed by roads, stream adjacent parallel roads and an inventory of the existing condition; and

(b) Detailed description of the first years work with a schedule to complete the entire plan within fifteen years; and

(c) Standard practices for routine road maintenance; and

(d) Storm maintenance strategy that includes prestorm planning, emergency maintenance and post storm recovery; and

(e) Inventory and assessment of the risk to public resources or public safety of orphaned roads; and

(f) The landowner or landowner representative's signature.

* (7) Priorities for road maintenance work within plans are:

(a) Removing blockages to fish passage beginning on roads affecting the most habitat first, generally starting at the bottom of the basin and working upstream;

(b) Preventing or limiting sediment delivery (areas where sediment delivery or mass wasting will most likely affect bull trout habitat will be given the highest priority);

(c) Correcting drainage or unstable sidecast in areas where mass wasting could deliver to public resources or threaten public safety;

(d) Disconnecting road drainage from typed waters;

(e) Repairing or maintaining stream-adjacent parallel roads with an emphasis on minimizing or eliminating water and sediment delivery;

(f) Improving hydrologic connectivity by minimizing the interruption of surface water drainage, interception of subsurface water, and pirating of water from one basin to another; and

(g) Repair or maintenance work which can be undertaken with the maximum operational efficiency.

* (8) Initial plans for landowners with 500 acres or more of forest land in a DNR region must be submitted to the department during the year 2001 as scheduled by the department.

* (9) Each year on the anniversary date of the plan's submittal, landowners must report work accomplished for the previous year and submit to the department a detailed description of the upcoming year's work including modifications to the existing work schedule.

The department's review and approval will be conducted in consultation with the department of ecology, the department of fish and wildlife, affected tribes and interested parties. The department will:

(a) Review the progress of the plans annually with the landowner to determine if the plan is being implemented as approved; and

(b) The plan will be reviewed by the department and approved or returned to the applicant with concerns that need to be addressed within forty-five days of the plan's submittal.

(c) Additional plans will be signed by the landowner or the landowner's representative.

* (10) The department will facilitate an annual water resource inventory area (WRIA) meeting with landowners, the department of fish and wildlife, the department of ecology, affected tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected counties, local U.S. Forest Service, watershed councils, and other interested parties. The purpose of the meeting is to:

(a) Suggest priorities for road maintenance and abandonment planning; and

(b) Exchange information on road maintenance and stream restoration projects.

* (11) A forest practices application with a detailed one to five year work plan associated with a submitted road maintenance and abandonment plan will be treated as a multiyear permit. The application will be reviewed, approved, conditioned and/or disapproved within 45 days of acceptance. The application will be reviewed in consultation with the department of ecology, department of fish and wildlife, affected tribes and interested parties.

* (12) Regardless of the schedule for plan development, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources. If the department determines that log haul on such a road will cause or has the potential to cause material damage to a public resource, the department may require the applicant to submit a plan to address specific issues or segments on the haul route.

* (13) If a landowner is found to be out of compliance with the work schedule of an approved road maintenance and abandonment plan and the department determines that this work is necessary to prevent potential or actual damage to public resources, then the department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC 222-46-040 (stop work order) to restrict use of the affected road segment.

(a) The landowner may submit a revised maintenance plan for maintenance and abandonment and request permission to use the road for log haul.

(b) The department must approve use of the road if the revised maintenance plan provides protection of the public resource and maintains the overall schedule of maintenance of the road system or basin.

* (14) If a landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a plan or plans for those drainages or road systems within the area identified by the department.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-24-051, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-24-051, filed 5/30/01, effective 7/1/01.]

Chapter 222-30 WAC

TIMBER HARVESTING

WAC

222-30-020
222-30-021
222-30-022
222-30-023
222-30-025
222-30-050
222-30-110

*Harvest unit planning and design.
*Western Washington riparian management zones.
*Eastern Washington riparian management zones.
Riparian management zones for exempt 20-acre parcels.
Even-aged harvest—Size and timing.
Felling and bucking.
Timber harvesting on islands.

WAC 222-30-020 *Harvest unit planning and design.

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so that yarding or skidding can be economically accomplished and achieve the ecological goals of WAC 222-30-010 (2), (3) and (4) in compliance with these rules.

* (2) **Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

***(3) Western Washington riparian management zones.** (See WAC 222-30-021 and 222-30-023.)

***(4) Eastern Washington riparian management zones.** (See WAC 222-30-022 and 222-30-023.)

***(5) Riparian leave tree areas.** (See WAC 222-30-021, 222-30-022, and 222-30-023.)

***(6) Forested wetlands.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) Where riparian associated wetlands are present in the outer zone of a RMZ, trees may be left in the zone to maximize wetland function. See WAC 222-30-021 *(1)(c)(ii).

(d) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(e) Approximate determination of the boundaries of forested wetlands greater than 3 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(f) The department shall consult with the department of fish and wildlife and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

***(7) Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual section 8, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

***(a) Wetland management zones (WMZ)** shall have variable widths based on the size of the wetland and the wetland type, described as follows:

Wetland Management Zones

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ required	No WMZ required	

* For bogs, both forested and nonforested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

***(e) Tractors, wheeled skidders, or other ground based harvesting systems** shall not be used within the minimum WMZ width without written approval of the department.

***(f) When 10% or more of a harvest unit lies within a wetland management zone and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.**

***(8) Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

(9) **Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) **Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to ensure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) **Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) For the purposes of this subsection the following defines eastern and western Washington boundaries for wildlife reserve tree management. Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to the SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to the SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to the SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest boundary,

Thence south along forest boundary to the SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to the SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington.

(b) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter

greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree, which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

***(12) Channel migration zones.** No harvest, construction or salvage will be permitted within the boundaries of a channel migration zone except for the construction and maintenance of road crossings in accordance with applicable rules and the creation and use of yarding corridors consistent with WAC 222-24-020(6), 222-30-060(1), 222-30-045(2), and chapter 220-110 WAC (Hydraulic code rules).

(13) Bankfull width. No harvest or construction will be permitted within the bankfull width of any Type S or F Water or any buffered length of Type Np Water, except for the construction and maintenance of road crossings in accordance with applicable rules and creation and use of yarding corridors consistent with WAC 222-30-020 *(5)(a), 222-24-060(1), and chapter 220-110 WAC (Hydraulic code rules). No salvage may take place within the bankfull width of any typed water (see WAC 222-30-045).

[Statutory Authority: RCW 76.09.040. 05-12-119, § 222-30-020, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.1050, [76.09.1370, 76.13.120(9). 01-12-042, § 222-30-020, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 97-24-091, § 222-30-020, filed 12/3/97, effective 1/3/98; 97-15-105, § 222-30-020, filed 7/21/97, effective 8/21/97; 94-17-033, § 222-30-020, filed 8/10/94, effective 8/13/94; 93-12-001, § 222-30-020, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.060, 76.09.040 and chapter 34.05 RCW. 92-23-056, § 222-30-020, filed 11/17/92, effective 12/18/92. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. 92-15-011, § 222-30-020, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040. 88-19-112 (Order 551, Resolution No. 88-1), § 222-30-020, filed 9/21/88, effective 11/1/88; 87-23-036 (Order 535), § 222-30-020, filed 11/16/87, effective 1/1/88; Order 263, § 222-30-020, filed 6/16/76.]

WAC 222-30-021 *Western Washington riparian management zones. These rules apply to all typed waters on forest land in Western Washington, except as provided in WAC 222-30-023. RMZs are measured horizontally from the outer edge of the bankfull width or channel migration zone, whichever is greater, and extend to the limits as described in this section. See the board manual section 7 for riparian design and layout guidelines.

***(1) Western Washington RMZs for Type S and F Waters** have three zones: The core zone is nearest to the water, the inner zone is the middle zone, and the outer zone is furthest from the water. (See definitions in WAC 222-16-010.) RMZ dimensions vary depending on the site class of the land, the management harvest option, and the bankfull width of the stream. See tables for management options 1 and 2 below.

None of the limitations on harvest in each of the three zones listed below will preclude or limit the construction and maintenance of roads for the purpose of crossing streams in WAC 222-24-030 and 222-24-050, or the creation and use of yarding corridors in WAC 222-30-060(1).

The shade requirements in WAC 222-30-040 must be met regardless of harvest opportunities provided in the inner zone RMZ rules. See the board manual section 1.

(a) **Core zones.** No timber harvest or construction is allowed in the core zone except operations related to forest roads as detailed in subsection (1) of this section. Any trees cut for or damaged by yarding corridors in the core zone must be left on the site. Any trees cut as a result of road construction to cross a stream may be removed from the site, unless used as part of a large woody debris placement strategy or as needed to reach stand requirements.

(b) **Inner zones.** Forest practices in the inner zone must be conducted in such a way as to meet or exceed stand requirements to achieve the goal in WAC 222-30-010(2). The width of the inner zone is determined by site class, bankfull width, and management option. Timber harvest in this zone must be consistent with the stand requirements in order to reach the desired future condition targets.

"Stand requirement" means a number of trees per acre, the basal area and the proportion of conifer in the combined inner zone and adjacent core zone so that the growth of the trees would meet desired future conditions. The following table defines basal area targets when the stand is 140 years old.

Site Class	Desired future condition target basal area per acre (at 140 years)
I	285 sq. ft.
II	275 sq. ft.
III	258 sq. ft.
IV	224 sq. ft.
V	190 sq. ft.

Growth modeling is necessary to calculate whether a particular stand meets stand requirement and is on a trajectory towards these desired future condition basal area target. The appropriate growth model will be based on stand characteristics and will include at a minimum, the following components: The number of trees by diameter class, the percent of conifer and hardwood, and the age of the stand. See the board manual section 7.

(i) **Hardwood conversion in the inner zone.** When the existing stands in the combined core and inner zone do not meet stand requirements, no harvest is permitted in the inner zone, except in connection with hardwood conversion.

(A) The landowner may elect to convert hardwood-dominated stands in the **inner zone** to conifer-dominated stands. Harvesting and replanting shall be in accordance with the following limits:

(I) Conversion activities in the **inner zone** of any harvest unit are only allowed where all of the following are present:

- Existing stands in the combined core and inner zone do not meet stand requirements (WAC 222-30-021 (1)(b));
- There are fewer than 57 conifer trees per acre 8 inches or larger dbh in the conversion area;
- There are fewer than 100 conifer trees per acre larger than 4 inches dbh in the conversion area;
- There is evidence (such as conifer stumps, historical photos, or a conifer understory) that the conversion area can be successfully reforested with conifer and support the development of conifer stands;
- The landowner owns 500 feet upstream and 500 feet downstream of the harvest unit;
- The core and inner zones contain no stream adjacent parallel roads;
- Riparian areas contiguous to the proposed harvest unit are owned by the landowner proposing to conduct the conversion activities, and meet shade requirements of WAC 222-30-040 or have a 75-foot buffer with trees at least 40 feet tall on both sides of the stream for 500 feet upstream and 500 feet downstream of the proposed harvest unit (or the length of the stream, if less);
- If the landowner has previously converted hardwood-dominated stands, then post-harvest treatments must have been performed to the satisfaction of the department.

(II) In addition to the conditions set forth above, permitted conversion activities in the **inner zone** of any harvest unit are limited by the following:

- Each continuous conversion area is not more than 500 feet in length; two conversion areas will be considered "continuous" unless the no-harvest area separating the two conversion areas is at least half the length of the larger of the two conversion areas.

• Type S and F (Type 1, 2, or 3) Water: Up to 50% of the inner zone area of the harvest unit on one side of the stream may be converted provided that:

◆ The landowner owns the opposite side of the stream and the landowner's riparian area on the opposite bank meets the shade requirements of WAC 222-30-040 or has a 75-foot buffer of trees at least 40 feet tall or:

◆ The landowner does not own land on the opposite side of the stream but the riparian area on the opposite bank meets the shade requirements of WAC 222-30-040 or has a 75-foot buffer of trees at least 40 feet tall.

- Not more than 25% of the inner zone of the harvest unit on both sides of a Type S or F Water may be converted if the landowner owns both sides.

(III) Where conversion is allowed in the **inner zone**, trees within the conversion area may be harvested except that:

- Conifer trees larger than 20 inches dbh shall not be harvested;

- Not more than 10% of the conifer stems greater than 8 inches dbh, exclusive of the conifer noted above, within the conversion area may be harvested; and

• The landowner must exercise reasonable care in the conduct of harvest activities to minimize damage to all residual conifer trees within the conversion area including conifer trees less than 8 inches dbh.

(IV) Following harvest in conversion areas, the landowner must:

- Reforest the conversion area with **conifer** tree species suitable to the site in accordance with the requirements of WAC 222-34-010; and

• Conduct post-harvest treatment of the site until the conifer trees necessary to meet acceptable stocking levels in WAC 222-34-010(2) have crowns above the brush or until the conversion area contains a minimum of 150 conifer trees greater than 8 inches dbh per acre.

• Notify the department in writing within three years of the approval of the forest practices application for hardwood conversion, if the hardwood conversion has been completed.

(V) **Tracking hardwood conversion.** The purpose of tracking hardwood conversion is to determine if hardwood conversion is resulting in adequate enhancement of riparian functions toward the desired future condition while minimizing the short term impacts on functions. The department will use existing or updated data bases developed in cooperation with the Washington Hardwoods Commission to identify watershed administrative units (WAUs) with a high percentage of hardwood-dominated riparian areas and, thus have the potential for excessive hardwood conversion under these rules. The department will track the rate of conversion of hardwoods in the riparian zone: (1) Through the application process on an annual basis; and (2) at a WAU scale on a biennial basis as per WAC 222-30-120 through the adaptive management process which will develop thresholds of impact for hardwood conversion at the watershed scale.

(ii) **Harvest options.**

(A) No inner zone management. When the existing stands in the combined core and inner zone do not meet stand requirements, no harvest is permitted in the inner zone. When no harvest is permitted in the inner zone or the landowner chooses not to enter the inner zone, the width of core, inner and outer zones are as provided in the following table:

No inner zone management RMZ widths for Western Washington

Site Class	RMZ width	Core zone width (measured from outer edge of bank-full width or outer edge of CMZ of water)	Inner zone width (measured from outer edge of core zone)		Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width >10'	stream width ≤10'	stream width >10'
I	200'	50'	83'	100'	67'	50'
II	170'	50'	63'	78'	57'	42'
III	140'	50'	43'	55'	47'	35'
IV	110'	50'	23'	33'	37'	27'
V	90'	50'	10'	18'	30'	22'

(B) Inner zone management. If trees can be harvested and removed from the inner zone because of surplus basal area consistent with the stand requirement, the harvest and removal of the trees must be undertaken consistent with one of two options:

(I) **Option 1. Thinning from below.** The objective of thinning is to distribute stand requirement trees in such a way as to shorten the time required to meet large wood, fish habitat and water quality needs. This is achieved by increasing the potential for leave trees to grow larger than they otherwise would without thinning. Thinning harvest under option 1 must comply with the following:

- Residual trees left in the combined core and inner zones must meet stand requirements necessary to be on a trajectory

to desired future condition. See board manual section 7 for guidelines.

- Thinning must be from below, meaning the smallest dbh trees are selected for harvest first, then progressing to successively larger diameters.

- Thinning cannot decrease the proportion of conifer in the stand.

- Shade retention to meet the shade rule must be confirmed by the landowner for any harvest inside of 75 feet from the outer edge of bankfull width or outer edge of CMZ, whichever is greater.

- The number of residual conifer trees per acre in the inner zone will equal or exceed 57.

Option 1. Thinning from below.

Site class	RMZ width	Core zone width (measured from outer edge of bank-full width or outer edge of CMZ of water)	Inner zone width (measured from outer edge of core zone)		Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width >10'	stream width ≤10'	stream width >10'
I	200'	50'	83'	100'	67'	50'
II	170'	50'	63'	78'	57'	42'
III	140'	50'	43'	55'	47'	35'
IV	110'	50'	23'	33'	37'	27'
V	90'	50'	10'	18'	30'	22'

(II) **Option 2. Leaving trees closest to the water.** Management option 2 applies only to riparian management zones for site class I, II, and III on streams that are less than or equal to 10 feet wide and RMZs in site class I and II for streams greater than 10 feet wide. Harvest must comply with the following:

- Harvest is not permitted within 30 feet of the core zone for streams less than or equal to 10 feet wide and harvest is not permitted within 50 feet of the core zone for streams greater than 10 feet wide;

- Residual leave trees in the combined core and inner zone must meet stand requirements necessary to be on a trajectory to desired future condition. See board manual section 7 for calculating stand requirements;

- A minimum of 20 conifers per acre, with a minimum 12-inch dbh, will be retained in any portion of the inner zone where harvest occurs. These riparian leave trees will not be counted or considered towards meeting applicable stand

requirements nor can the number be reduced below 20 for any reason.

- Trees are selected for harvest starting from the outer most portion of the inner zone first then progressively closer to the stream.

- If (II) of this subsection results in surplus basal area per the stand requirement, the landowner may take credit for the surplus by harvesting additional riparian leave trees required to be left in the adjacent outer zone on a basal area-for-basal area basis. The number of leave trees in the outer zone can be reduced only to a minimum of 10 trees per acre.

Option 2. Leaving trees closest to water.

Site class	RMZ width	Core zone width (measured from outer edge of bankfull width or outer edge of CMZ of water)	Inner zone width				Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width ≤10'	stream width >10'	stream width >10'	stream width ≤10'	stream width >10'
				minimum floor distance		minimum floor distance		
			(measured from outer edge of core zone)	(measured from outer edge of core zone)	(measured from outer edge of core zone)	(measured from outer edge of core zone)		
I	200'	50'	84'	30'	84'	50'	66'	66'
II	170'	50'	64'	30'	70'	50'	56'	50'
III	140'	50'	44'	30'	**	**	46'	**

**Option 2 for site class III on streams >10' is not permitted because of the minimum floor (100') constraint.

(iii) **Where the basal area components of the stand requirement cannot be met** within the sum of the areas in the inner and core zone due to the presence of a stream-adjacent parallel road in the inner or core zone, a determination must be made of the approximate basal area that would have been present in the inner and core zones if the road was not occupying space in the core or inner zone and the shortfall in the basal area component of the stand requirement. See definition of "stream-adjacent parallel road" in WAC 222-16-010.

(A) Trees containing basal area equal to the amount determined in (iii) of this subsection will be left elsewhere in the inner or outer zone, or if the zones contain insufficient riparian leave trees, substitute riparian leave trees will be left within the RMZ width of other Type S or F Waters in the same unit or along Type Np or Ns Waters in the same unit in addition to all other RMZ requirements on those same Type S, F, Np or Ns Waters.

(B) When the stream-adjacent road basal area calculated in (iii) of this subsection results in an excess in basal area (above stand requirement) then the landowner may receive credit for such excess which can be applied on a basal area-by-basal area basis against the landowner's obligation to leave trees in the outer zone of the RMZ of such stream or other waters within the same unit, provided that the number of trees per acre in the outer zone is not reduced to less than 10 trees per acre.

(C) When the basal area requirement cannot be met, as explained in (iii) of this subsection, the shortfall may be reduced through the implementation of an acceptable large woody debris placement plan. See board manual section 26 for guidelines.

(iv) If a harvest operation includes both yarding and harvest activities within the RMZ, all calculations of basal area for stand requirements will be determined as if the yarding corridors were constructed prior to any other harvest activities. If trees cut or damaged by yarding are taken from excess basal area, these trees may be removed from the inner zone. Trees cut or damaged by yarding in a unit which does not meet the basal area target of the stand requirements cannot be removed from the inner zone. Any trees cut or damaged by yarding in the core zone may not be removed.

(c) **Outer zones.** Timber harvest in the outer zone must leave 20 riparian leave trees per acre after harvest. **"Outer**

zone riparian leave trees" are trees that must be left after harvest in the outer zone in Western Washington. Riparian leave trees must be left uncut throughout all future harvests:

Outer zone riparian leave tree requirements

Application	Leave tree spacing	Tree species	Minimum dbh required
Outer zone	Dispersed	Conifer	12" dbh or greater
Outer zone	Clumped	Conifer	12" dbh or greater
Protection of sensitive features	Clumped	Trees representative of the overstory including both hardwood and conifer	8" dbh or greater

The 20 riparian leave trees to be left can be reduced in number under the circumstances delineated in (c)(iv) of this subsection. The riparian leave trees must be left on the landscape according to one of the following two strategies. A third strategy is available to landowners who agree to a LWD placement plan.

(i) **Dispersal strategy.** Riparian leave trees, which means conifer species with a diameter measured at breast height (dbh) of 12 inches or greater, must be left dispersed approximately evenly throughout the outer zone. If riparian leave trees of 12" dbh or greater are not available, then the next largest conifers must be left. If conifers are not present, riparian leave trees must be left according to the clumping strategy in subsection (ii) below.

(ii) **Clumping strategy.** Riparian leave trees must be left clumped in the following way:

(A) Clump trees in or around one or more of the following **sensitive features** to the extent available within the outer zone. When clumping around sensitive features, riparian leave trees must be 8 inches dbh or greater and representative of the overstory canopy trees in or around the sensitive feature and may include both hardwood and conifer species. Sensitive features are:

- (I) Seeps and springs;
- (II) Forested wetlands;
- (III) Topographic locations (and orientation) from which leave trees currently on the site will be delivered to the water;
- (IV) Areas where riparian leave trees may provide windthrow protection;

(V) Small unstable, or potentially unstable, slopes not of sufficient area to be detected by other site evaluations. See WAC 222-16-050 (1)(d).

(VI) Archeological or historical sites registered with the Washington state office of archeology and historic preservation. See WAC 222-16-050 (1)(g); or

(VII) Sites containing evidence of Native American cairns, graves or glyptic records. See WAC 222-16-050 (1)(f).

(B) If sensitive features are not present, then clumps must be well distributed throughout the outer zone and the leave trees must be of conifer species with a dbh of 12 inches or greater. When placing clumps, the applicant will consider operational and biological concerns. Tree counts must be satisfied regardless of the presence of stream-adjacent parallel roads in the outer zone.

(iii) **Large woody debris in-channel placement strategy.** A landowner may design a LWD placement plan in cooperation with the department of fish and wildlife. The plan must be consistent with guidelines in the board manual section 26. The landowner may reduce the number of trees required to be left in the outer zone to the extent provided in the approved LWD placement plan. Reduction of trees in the outer zone must not go below a minimum of 10 trees per acre. If this strategy is chosen, a complete forest practices application must include a copy of the WDFW approved hydraulics project approval (HPA) permit.

(iv) **Twenty riparian leave trees must be left after harvest** with the exception of the following:

(A) If a landowner agrees to implement a placement strategy, see (iii) of this subsection.

(B) If trees are left in an associated channel migration zone, the landowner may reduce the number of trees required to be left according to the following:

(I) Offsets will be measured on a basal area-for-basal area basis.

(II) Conifer in a CMZ equal to or greater than 6" dbh will offset conifer in the outer zone at a one-to-one ratio.

(III) Hardwood in a CMZ equal to or greater than 10" dbh will offset hardwood in the outer zone at a one-to-one ratio.

(IV) Hardwood in a CMZ equal to or greater than 10" dbh will offset conifer in the outer zone at a three-to-one ratio.

***(2) Western Washington protection for Type Np and Ns Waters.**

(a) An **equipment limitation zone** is a 30-foot wide zone measured horizontally from the outer edge of the bank-full width of a Type Np or Ns Water where equipment use and other forest practices that are specifically limited by these rules. It applies to all perennial and seasonal streams.

(i) On-site mitigation is required if any of the following activities exposes the soil on more than 10% of the surface area of the zone:

(A) Ground based equipment;

(B) Skid trails;

(C) Stream crossings (other than existing roads); or

(D) Cabled logs that are partially suspended.

(ii) Mitigation must be designed to replace the equivalent of lost functions especially prevention of sediment delivery. Examples include water bars, grass seeding, mulching, etc.

(iii) Nothing in this subsection (2) reduces or eliminates the department's authority to prevent actual or potential material damage to public resources under WAC 222-46-030 or 222-46-040 or any related authority to condition forest practices notifications or applications.

(b) **Sensitive site and RMZs protection along Type Np Waters.** Forest practices must be conducted to protect Type Np RMZs and sensitive sites as detailed below:

(i) A 50-foot, no-harvest buffer, measured horizontally from the outer edge of bankfull width, will be established along each side of the Type Np Water as follows:

Required no-harvest, 50-foot buffers on Type Np Waters.

Length of Type Np Water from the confluence of Type S or F Water	Length of 50' buffer required on Type Np Water (starting at the confluence of the Type Np and connecting water)
Greater than 1000'	500'
Greater than 300' but less than 1000'	Distance of the greater of 300' or 50% of the entire length of the Type Np Water
Less than or equal to 300'	The entire length of Type Np Water

(ii) No timber harvest is permitted in an area within 50 feet of the outer perimeter of a soil zone perennially saturated from a headwall seep.

(iii) No timber harvest is permitted in an area within 50 feet of the outer perimeter of a soil zone perennially saturated from a side-slope seep.

(iv) No timber harvest is permitted within a 56-foot radius buffer patch centered on the point of intersection of two or more Type Np Waters.

(v) No timber harvest is permitted within a 56-foot radius buffer patch centered on a headwater spring or, in the absence of a headwater spring, on a point at the upper most extent of a Type Np Water as defined in WAC 222-16-030(3) and 222-16-031.

(vi) No timber harvest is permitted within an alluvial fan.

(vii) At least 50% of a Type Np Waters' length must be protected by buffers on both sides of the stream (2-sided buffers). Buffered segments must be a minimum of 100 feet in length. If an operating area is located more than 500 feet upstream from the confluence of a Type S or F Water and the Type Np Water is more than 1,000 feet in length, then buffer the Type Np Water according to the following table. If the percentage is not met by protecting sensitive sites listed in (b)(i) through (vii) of this subsection, then additional buffers are required on the Type Np Water to meet the requirements listed in the table.

Minimum percent of length of Type Np Waters to be buffered when more than 500 feet upstream from the confluence of a Type S or F Water

Total length of a Type Np Water upstream from the confluence of a Type S or F Water	Percent of length of Type Np Water that must be protected with a 50 foot no harvest buffer more than 500 feet upstream from the confluence of a Type S or F Water
1000 feet or less	Refer to table in this subsection (i) above
1001 - 1300 feet	19%
1301 - 1600 feet	27%
1601 - 2000 feet	33%
2001 - 2500 feet	38%
2501 - 3500 feet	42%
3501 - 5000 feet	44%
Greater than 5000 feet	45%

The landowner must select the necessary priority areas for additional 2-sided buffers according to the following priorities:

- (A) Low gradient areas;
- (B) Perennial water reaches of nonsedimentary rock with gradients greater than 20% in the tailed frog habitat range;
- (C) Hyporheic and ground water influence zones; and
- (D) Areas downstream from other buffered areas.

Except for the construction and maintenance of road crossings and the creation and use of yarding corridors, no timber harvest will be allowed in the designated priority areas. Landowners must leave additional acres equal to the number of acres (including partial acres) occupied by an existing stream-adjacent parallel road within a designated priority area buffer.

(c) None of the limitations on harvest in or around Type Np Water RMZs or sensitive sites listed in (b) of this subsection will preclude or limit:

- (i) The construction and maintenance of roads for the purpose of crossing streams in WAC 222-24-030 and 222-24-050.
- (ii) The creation and use of yarding corridors in WAC 222-30-060(1).

To the extent reasonably practical, the operation will both avoid creating yarding corridors or road crossings through Type Np Water RMZ or sensitive sites and associated buffers, and avoid management activities which would result in soil compaction, the loss of protective vegetation or sedimentation in perennially moist areas.

Where yarding corridors or road crossings through Type Np Water RMZs or sensitive sites and their buffers cannot reasonably be avoided, the buffer area must be expanded to protect the sensitive site by an area equivalent to the disturbed area or by providing comparable functions through other management initiated efforts.

Landowners must leave additional acres equal to the number of acres (including partial acres) occupied by an existing stream-adjacent parallel road within a Type Np Water RMZs or sensitive site buffer.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-30-021, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-30-021, filed 5/30/01, effective 7/1/01.]

WAC 222-30-022 *Eastern Washington riparian management zones. For eastside forests, riparian management is intended to provide stand conditions that vary over time. It is designed to mimic eastside disturbance regimes within a range that meets functional conditions and maintains general forest health. These desired future conditions are a reference point on the pathway to restoration of riparian functions, not an end point of riparian stand development. These rules apply to all typed waters on forest land in Eastern Washington, except as provided in WAC 222-30-023. RMZs are measured horizontally from the outer edge of the bankfull width or channel migration zone, whichever is greater, and extend to the limits as described in the following section.

Eastern Washington RMZ for streams with bankfull width of less than or equal to 15 feet wide

Site Class	Total RMZ Width	Core Zone Width From outer edge of bankfull width or outer edge of CMZ, whichever is greater	Inner Zone Width	Outer Zone Width
I	130'	30'	45'	55'
II	110'	30'	45'	35'
III	90'	30'	45'	15'
IV	75'	30'	45'	0'
V	75'	30'	45'	0'

Eastern Washington RMZ for streams with bankfull width of greater than 15 feet wide

Site Class	Total RMZ Width	Core Zone Width From outer edge of bankfull width or outer edge of CMZ, whichever is greater	Inner Zone Width	Outer Zone Width
I	130'	30'	70'	30'
II	110'	30'	70'	10'
III	100'	30'	70'	0'
IV	100'	30'	70'	0'
V	100'	30'	70'	0'

***(1) Eastern Washington RMZs on Type S and F Waters** have three zones: The core zone is nearest to the edge of the bankfull width or outer edge of the CMZ, whichever is greater. The inner zone is the middle zone, and the outer zone is furthest from the water. Permitted forest practices vary by timber habitat type and site class.

None of the limitations on harvest in each of the three zones listed below will preclude or limit the construction and maintenance of roads for the purpose of crossing streams in accordance with WAC 222-24-030 and 222-24-050, or the creation and use of yarding corridors in accordance with WAC 222-30-060(1).

The shade requirements in WAC 222-30-040 must be met regardless of harvest opportunities provided in the inner zone RMZ rules. See the board manual, section 1.

(a) **Core zones.** The core zone extends 30 feet measured horizontally from the edge of the bankfull width or outer edge of the CMZ, whichever is greater, for all timber habitat types.

No harvest or construction is allowed in the core zone except as detailed in subsection (1) of this section. Any trees cut for or damaged by yarding corridors must be left on site. Any trees cut as a result of road construction to cross a stream may be removed from the site unless used as part of a large woody debris replacement strategy.

(b) **Inner zones.** Width and leave tree requirements of the inner zone vary by timber habitat type as outlined below.

(i) **Ponderosa pine timber habitat type.**

(A) The width of the inner zone is 70 feet measured horizontally from the outer edge of the core zone on streams greater than 15 feet bankfull width or 45 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of 15 feet or less.

(B) No harvest is allowed in the inner zone except as described in (b)(i)(C) or (D) of this subsection, and as allowed for stream crossings and yarding corridors as described above in subsection (1).

(C) **Stands with a high basal area:** Harvest is permitted in the inner zone if the basal area in the inner zone is greater than 110 square feet per acre for conifer and hardwood trees equal to or greater than 6 inches dbh. The harvest must leave at least 50 trees per acre AND subject to (b)(i)(C) (III) of this subsection, a minimum leave tree basal area of at least 60 square feet per acre. The trees to be left shall be selected as follows:

(I) The 21 largest trees per acre must be left; and

(II) An additional 29 trees per acre that are 10-inch dbh or greater must be left. If there are less than 29 10-inch dbh or greater trees per acre, leave the 29 largest trees. If there are more than 29 10-inch dbh or greater trees per acre, leave 29 10-inch dbh or greater trees per acre based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010;
- Trees that are evenly distributed across the inner zone.

(III) If more than 50 trees per acre are needed to meet the minimum leave tree basal area of 60 square feet per acre, then additional trees greater than 6-inch dbh must be left. If the minimum basal area cannot be met with fewer than 100 trees of at least 6 inches dbh, then no more than 100 trees per acre of the largest remaining trees will be required to be left regardless of the basal area.

(D) **Stands with low basal areas and high density:** Thinning is permitted if the basal area of all species is less than 60 square feet per acre AND there are more than 100 trees per acre. The thinning must leave a minimum of 100 trees per acre. The trees to be left must be selected as follows:

(I) The 50 largest trees per acre must be left; and

(II) An additional 50 trees per acre that are greater than 6 inches dbh must be left. If there are not 50 6-inch dbh or greater trees per acre, then all 6-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 50 trees per acre. Select the additional 50 trees based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010;

- Trees that are evenly distributed across the inner zone.

(E) To the extent down wood is available on site prior to harvest, at least twelve tons of down wood per acre must be left following harvest as follows:

(I) Six pieces greater than 16 inches diameter and 20 feet in length; and

(II) Four pieces greater than 6 inches in diameter and 20 feet in length.

(III) Landowner/operator is not required to create down wood.

(F) See **stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a stream-adjacent parallel road in this zone.

(ii) **Mixed conifer timber habitat type.**

(A) The width of the inner zone is 70 feet measured horizontally from the outer edge of the core zone on streams greater than 15 feet bankfull width or 45 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of 15 feet or less.

(B) No harvest is allowed in the inner zone except as described in (b)(ii)(C) or (D) of this subsection, and as allowed for stream crossings and yarding corridors as described above in subsection (1).

(C) **Stands with a high basal area:**

(I) Harvest is permitted in the inner zone if the combined conifer and hardwood basal area for trees greater than 6 inches dbh is:

- Greater than 110 square feet per acre on low site indexes (site index less than 90); or
- Greater than 130 square feet per acre on medium site indexes (site index between 90 and 110); or
- Greater than 150 square feet per acre on high site indexes (site index greater than 110).

(II) The harvest must leave at least 50 trees per acre AND a minimum leave tree basal area of at least:

- 70 square feet per acre on low site indexes; or
- 90 square feet per acre on medium site indexes; or
- 110 square feet per acre on high site indexes.

(III) The trees to be left shall be selected as follows:

- The 21 largest trees per acre must be left; and
- An additional 29 trees per acre that are 10-inch dbh or greater must be left. If there are less than 29 10-inch dbh or greater trees per acre, leave the 29 largest trees. If there are more than 29 10-inch dbh or greater trees per acre, leave 29 10-inch dbh trees per acre based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010; or

- Trees that are evenly distributed across the inner zone.

• If more than 50 trees per acre are needed to meet the minimum leave tree basal area for the site index in (b)(ii)(C) (II) of this subsection, then additional trees greater than 6 inches dbh must be left. If the minimum basal area cannot be met with fewer than 100 trees at least 6 inches dbh, then no more than 100 trees per acre of the largest remaining trees will be required to be left regardless of the basal area.

(D) **Stands with low basal areas and high density:** Thinning is permitted if the basal area of all species is less than the minimum requirements for the site index in

(b)(ii)(C)(II) of this subsection AND there are more than 120 trees per acre. The thinning must leave a minimum of 120 trees per acre. The trees to be left shall be selected as follows:

(I) The 50 largest trees per acre must be left; and

(II) An additional 70 trees per acre greater than 6 inches dbh must be left. If there are not 70 6-inch dbh or greater trees per acre, then all 6-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 70 trees per acre. Select the additional 70 trees based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010; or
- Trees that are evenly distributed across the inner zone.

(E) To the extent down wood is available on site prior to harvest, 20 tons of down wood per acre is required to be left following harvest as follows:

(I) 8 pieces greater than 16 inches diameter and 20 feet in length; and

(II) 8 pieces greater than 6 inches in diameter and 20 feet in length.

(III) Landowner/operator is not required to create down wood.

(F) **See stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a parallel road in this zone.

(iii) **High elevation timber habitat type.**

(A) The width of the inner zone is 45 feet measured horizontally from the outer edge of the core zone on streams equal to or less than 15 feet bankfull width or 70 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of greater than 15 feet.

(B) Follow stand requirements for Western Washington riparian management zones, WAC 222-30-021 (1)(b).

Note: Option 2 is not permitted for eastside use, because of the minimum floor (100') constraint.

(C) To the extent down wood is available prior to harvest, 30 tons per acre of down wood per acre must be left following harvest as follows:

(I) 8 pieces greater than 16 inches diameter and 20 feet in length; and

(II) 8 pieces greater than 6 inches in diameter and 20 feet in length.

(III) Landowner/operator is not required to create down wood.

(D) **See stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a parallel road in this zone.

(iv) **Stream-adjacent parallel roads for all timber habitat types in the inner zone.** The shade rule, WAC 222-30-040, must be met whether or not the inner zone includes a stream-adjacent parallel road. Where a stream-adjacent parallel road exists in the inner zone and the minimum required basal area cannot be met due to the presence of the road, then the location of the road determines the allowable operations as follows:

(A) For streams with a bankfull width that is greater than 15 feet:

(I) If the edge of the road closest to the stream is 75 feet or more from the outer edge of bankfull width of the stream or outer edge of CMZ, whichever is greater, **no harvest is permitted in the inner zone.** This includes trees within the inner zone on the uphill side of the road.

(II) No harvest is permitted within the inner zone on the streamside of the road. If the edge of the road closest to the stream is less than 75 feet from the outer edge of bankfull width of the stream or outer edge of CMZ, whichever is greater then:

- Additional leave trees equal in total basal area to the trees lost due to the road must be left near the streams in or adjacent to the unit to be harvested; (See the board manual section 7.)

- Where the additional leave trees providing fish habitat for water quality function are determined to be not available or not practical by the department, landowners and operators will employ site specific management activities to replace lost riparian functions that may include placement of large woody debris in streams. (See the board manual section 7.)

(B) For streams with a bankfull width less than 15 feet:

(I) If the edge of the road closest to the stream is 50 feet or more from the outer edge of bankfull width or outer edge of CMZ, whichever is greater, no harvest is permitted in the inner zone. This includes trees within the inner zone on the uphill side of the road.

(II) No harvest is permitted within the inner zone on the stream side of the road. If the edge of the road closest to the stream is less than 50 feet from the bankfull width or CMZ, whichever is greater then:

- Additional leave trees equal in total basal area to the trees lost due to the road must be left near the streams in or adjacent to the unit to be harvested. (See the board manual section 7.)

- Where the additional leave trees providing fish habitat for water quality function are determined to be not available or not practical by the department, landowners and operators will employ site specific management activities to replace lost riparian functions that may include placement of large woody debris in streams. (See the board manual section 7.)

(C) **Wildlife reserve trees.** Leave all wildlife reserve trees within the inner zone of the riparian management zone where operations in the vicinity do not violate the safety regulations (chapter 296-54 WAC and chapter 49-17 RCW administered by the department of labor and industries, safety division). Live wildlife reserve trees will contribute to the basal area requirements for inner zone leave trees and to leave tree counts if they are among the 21 largest trees per acre; or meet the requirement of an additional 29 leave trees per acre as per (E) above.

(c) **Outer zones.** This zone has three categories based on timber habitat type: Ponderosa pine, mixed conifer and high elevation. The width of this zone is 0 to 55 feet measured horizontally from the outer edge of the inner zone depending on the site class and stream width. (See WAC 222-16-010 definition of "RMZ outer zone.")

(i) Tree counts that must be left per acre, regardless of the presence of an existing stream-adjacent parallel road in the zone, are:

(A) Ponderosa pine habitat type - 10 dominant or codominant trees.

(B) Mixed conifer habitat type - 15 dominant or codominant trees.

(C) High elevation habitat type - See requirements for Western Washington RMZs in WAC 222-30-021 (1)(c).

(ii) Outer zone leave tree requirements in section (i) above may be reduced to 5 trees per acre in the ponderosa pine zone, 8 trees per acre in the mixed forest habitat type and 10 trees per acre in the high elevation habitat type, if the landowner voluntarily implements a LWD placement plan consistent with board manual section 26. If this strategy is chosen, a complete forest practices application must include a copy of the WDFW-approved hydraulics project approval (HPA) permit.

***(2) Eastern Washington protection along Type Np and Ns Waters.**

(a) An **equipment limitation zone** is a 30-foot wide zone measured horizontally from the outer edge of bankfull width of a Type Np or Ns Water where equipment is limited. It applies to all perennial and seasonal streams.

(i) On-site mitigation is required if any of the following activities exposes the soil more than 10% of the surface area of the zone:

- (A) Ground based equipment;
- (B) Skid trails;
- (C) Stream crossings (other than existing roads); or
- (D) Cabled logs that are partially suspended.

(ii) Mitigation must be designed to replace the equivalent of lost functions, especially prevention of sediment delivery. Examples include water bars, grass seeding, mulching, etc.

(iii) Nothing in this subsection (2) reduces or eliminates the department's authority to prevent actual or potential material damage to public resources under WAC 222-46-030 or 222-46-040 or any related authority to condition forest practices notifications or applications.

(b) Type Np Waters.

Within 50 horizontal feet of the outer edge of bankfull width of the stream, the landowner must identify either a partial cut and/or clearcut strategy for each unit to be harvested:

Once approved by the department, the selected strategy will remain in effect until July 1, 2051. If a landowner transfers title of the harvest unit, the landowner must provide written notice of this continuing obligation to the new owner and send a copy to the department. See WAC 222-20-055.

(i) For partial cuts:

(A) Basal areas requirements are the same as those specified for the timber habitat type in the Eastern Washington RMZ inner zone.

(B) Where a stream-adjacent parallel road exists, the basal area required in (A) of this subsection is required to be left. (See stream-adjacent parallel roads for Type Np Waters in (c) below.)

(C) The trees to be included in the basal area determination and left after harvest must include:

- (I) The 10 largest trees per acre;
- (II) Up to an additional 40 trees per acre greater than or equal to 10 inches dbh must be left. If all or some of the trees are not at least 10 inches dbh, then the largest of the remaining trees must be left. Select trees based on the following priority order:

- Provide streambank stability;
- Provide shade to water;

- Lean towards the water;
- Preferred species, as defined in WAC 222-16-010; or
- Evenly distributed; and

If the basal area target has not been met with the trees required above, up to an additional 50 trees are required greater than 6 inches in dbh based on the above priority order.

(D) Side slope seeps must be protected with a 50-foot partial cut buffer that meets the basal area and leave tree requirements of (A), (B), and (C) above. The buffer shall be measured from the outer perimeter of the perennially saturated soil zone.

(ii) For clearcuts:

When the clearcut strategy in this subsection is selected, the landowner must simultaneously designate a 2-sided no-harvest 50-foot buffer along the stream reach in the harvest unit that:

(A) Is equal in total length to the clearcut portion of the stream reach in the harvest unit; and

(B) Meets the upper end of basal area requirements for each respective timber habitat type in the Eastern Washington RMZ inner zone. See WAC 222-30-022 (1)(b)(i), (ii) or (iii).

(C) The streamside boundary of all clearcuts must:

(I) Not exceed in total 30% of the length of the stream reach in the harvest unit;

(II) Not exceed 300 continuous feet in length;

(III) Not be located within 500 feet of the intersection of a Type S or F Water; and

(IV) Not occur within 50 feet of the following sensitive sites as defined in WAC 222-16-010:

- The outer perimeter of a soil zone perennially saturated from a headwall seep;
- The outer perimeter of a soil zone perennially saturated from a side-slope seep;
- The center of a headwater spring;
- An alluvial fan;
- The center point of intersection of two or more Type Np Waters.

(c) Stream-adjacent parallel roads for Type Np Waters. If a road exists in a Type Np RMZ and the basal area required to be left cannot be met within 50 feet of the outer edge of bankfull width of the stream measured horizontally due to the presence of the road, then the distance of the road to the stream determines the allowable operations as follows:

(i) A road that is within 30 to 49 feet measured horizontally from the outer edge of bankfull width of the stream requires:

(A) A total of 100 feet of riparian management zone measured horizontally (both sides of the stream count towards the total) must be left in a manner to provide maximum functions for nonfish use streams. If harvest is taking place on only one side of the stream, then 50 feet of RMZ width must be left, regardless of presence of a stream-adjacent parallel road. The width of the road is not counted as part of the total width of the RMZ.

(B) The location of the riparian management zone required in (A) of this subsection shall be based on the following priority order:

- (I) Preferred: The area between the stream and the stream side edge of the road.

(II) The area that provides the most shade to the channel.

(III) The area that is most likely to deliver large woody debris to the channel.

(ii) A road that is within less than 30 feet from the outer edge of bankfull width of the stream measured horizontally requires, in addition to (c)(i)(A) and (B) of this subsection, that all trees between the stream and the streamside edge of the road must be left.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-30-022, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.050, [76.09.0370, 76.13.120(9). 01-12-042, § 222-30-022, filed 5/30/01, effective 7/1/01.]

WAC 222-30-023 Riparian management zones for exempt 20-acre parcels.

Note: Compliance with this section does not ensure compliance with the federal Endangered Species Act or the Clean Water Act.

On parcels of 20 contiguous acres or less, landowners with total parcel ownership of less than 80 forested acres shall not be required to leave the riparian buffers described in WAC 222-30-021 and 222-30-022. These landowners are required to follow applicable watershed analysis riparian prescriptions in effect as of January 1, 1999, or if there are no watershed analysis riparian prescriptions in effect these landowners are required to follow the riparian management zone rules below.

***(1) Western Washington RMZs for exempt 20-acre parcels.** Riparian management zones are measured horizontally from the outer edge of bankfull width of a Type S or F Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but must not be less than 29 feet in width nor more than the maximum widths described in (f) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these rules, including those rules relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Landowners must meet the following shade requirements in effect January 1, 1999, to maintain stream temperature.

***(i) Determination of adequate shade.** The temperature prediction method in (c)(ii) and (iii) of this subsection shall be used to determine appropriate shade levels for flowing Type S and F Waters to prevent excessive water temperatures which may have detrimental impact on aquatic resources.

***(ii) Temperature prediction method.** In addition to the riparian management zone requirements described in (f) of this subsection, leave trees shall be retained within the maximum riparian management zones on flowing Type S and F Waters as provided by the method described in the board manual which includes the following considerations:

(A) Minimum shade retention requirements; and

(B) Regional water temperature characteristics; and

(C) Elevation; and

(D) Temperature criteria defined for stream classes in chapter 173-201A WAC.

***(iii) Leave tree requirements for shade.** The method described in (c)(ii) of this subsection shall be used to establish the minimum shade cover based on site-specific characteristics. When site-specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

(iv) Waivers. The department may waive or modify the shade requirements where:

(A) The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or

(B) The applicant provides alternative means of stream temperature control satisfactory to the department; or

(C) The temperature method indicates that additional shade will not affect stream temperature.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type S or F Waters or a wetland management zone and the harvest unit is a clearcutting of 20 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

(f) Within the riparian management zone, trees shall be left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (c) of this subsection may be included in the number of required leave trees in this subsection.

**Western Washington Riparian Leave Tree Requirements
For exempt 20-acre parcels**

Water Type/Average Bankfull Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/ Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/Cobble <10" Diameter	Boulder/Bedrock
S or F Water greater than or equal to 75'	115'	representative of stand	58 trees	29 trees
S Water less than 75' and F Water less than 75' and greater than or equal to 10'	86'	representative of stand	115 trees	60 trees
F Water less than 10' and greater than or equal to 5'	58'	2 to 1/12" or next largest available ¹	86 trees	29 trees
F Water less than 5'	29'	1 to 1/6" or next largest available ¹	29 trees	29 trees

¹ "Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the size specified.

Ponds or lakes which are Type S or F Waters shall have the same leave tree requirements as boulder/bedrock streams.

***(2) Eastern Washington riparian management zones for exempt 20-acre parcels.** These zones shall be measured horizontally from the outer edge of bankfull width of Type S or F Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these rules, including those rules relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, trees shall be left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 35 feet to a maximum of 58 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 58 feet in width on each side of the stream with a minimum width of 35 feet and a maximum of 345 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type S or F Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 18 live conifer trees per acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 4 live conifer trees per acre 20 inches dbh or larger and the 2 largest live deciduous trees per acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees per acre 20 inches or larger do not exist, substitute 2 live conifer trees per acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees per acre; and

(E) Leave 3 live deciduous trees per acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type S or F Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees per acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 155 trees per acre 4 inches dbh or larger.

(C) On lakes or ponds, the minimum leave tree requirement shall be 86 trees per acre 4 inches dbh or larger.

Note: See the board manual for guidelines for calculating trees per acre and average RMZ widths.

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type S or F Waters or a wetland management zone and the harvest unit is 20 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")

***(3) Riparian leave tree areas for exempt 20-acre parcels.** The department will require trees to be left along Type Np Waters where such practices are necessary to protect public resources. Where such practices are necessary, leave at least 29 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 29 feet of the stream. The leave trees may be arranged to accommodate the operation.

(4) For the purposes of this section RMZ means: A specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-30-023, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-30-023, filed 5/30/01, effective 7/1/01.]

WAC 222-30-025 Even-aged harvest—Size and timing. Except as provided in WAC 222-30-110, unit size and timing of timber harvesting by even-aged harvest methods is subject to the following requirements:

(1) Timber harvest which would result in an area larger than one hundred twenty acres and smaller than or equal to two hundred forty acres harvested by even-aged harvest methods on land owned or controlled by one landowner shall be reviewed by an interdisciplinary team, if the department determines that review is necessary. The area harvested by even-aged harvest methods, for the purposes of this subsection, shall be determined in accordance with subsection (3) of this section.

(2) Timber harvest which would result in an area larger than two hundred forty acres harvested by even-aged harvest methods on land owned or controlled by one landowner shall be prohibited. The area harvested by even-aged harvest method for the purposes of this subsection shall be determined in accordance with subsection (3) of this section.

(3) In calculating areas harvested by even-aged harvest methods, the area harvested by even-aged harvest methods shall include the acreage of that harvest unit and, all contiguous acreage harvested by even-aged harvest methods which is owned or controlled by the same landowner, except that acreage harvested by even-aged harvest methods sharing 10% or less of the common perimeter with the harvest unit under consideration shall not be considered contiguous for the purposes of this section.

(4) Harvest units shall be designed so that each harvest unit meets at least one of the following criteria:

(a) At least thirty percent of the unit's perimeter is in stands of trees that are thirty years of age or older;

(b) At least sixty percent of the unit's perimeter is in stands of trees that are fifteen years of age or older; or

(c) At least ninety percent of the unit's perimeter is in stands of trees that have survived on site a minimum of five growing seasons or, if not, have reached an average height of four feet.

Evaluation of unit perimeters is subject to the conditions specified in subsection (6) of this section.

(5) The requirements of subsections (2), (3), and (4) of this section shall apply only to timber harvest by even-aged harvest methods and shall not apply to timber harvest to salvage timber damaged by wind, disease, insects, fire, or other natural causes or to forest practices involving the clearing of land of brush or understocked hardwoods to convert to managed hardwoods or conifers.

(6) In evaluating the perimeters of harvest units pursuant to subsection (4) of this section, the following conditions shall apply:

(a) The following shall be treated as fully stocked, mature stands that will not be counted as contiguous acreage harvested by even-aged methods for the purposes of subsections (1) and (2) of this section and which will be counted as thirty-year-old stands for the purposes of subsection (4) of this section:

(i) In Western Washington, a wetland management zone that is twice the width required by WAC 222-30-021 and 222-30-023(1) along Type S or F Waters;

(ii) In Eastern Washington, wetland management zone that is the width required by WAC 222-30-022 and 222-30-023(2);

(iii) Designated upland management areas;

(iv) Lands in a shoreline of statewide significance where harvest is limited under RCW 90.58.150;

(v) The portions of a perimeter consisting of land in uses other than forest land, such as land in agricultural or residential use and natural openings, and land not owned or controlled by the landowner who has proposed the harvest unit subject to the application under consideration;

***(vi)** Along Type S and F Waters, a continuous buffer meeting the requirements of WAC 222-30-021 and 222-30-022;

***(vii)** Along Type Np Waters, a continuous 50-foot wide no-harvest, no-salvage buffer.

(b) A stand of trees other than those described in (a) of this subsection shall be treated as a certain age class only if the stand is at least three hundred feet wide;

(c) Timber harvest units subject to an approved application or a notification for timber harvesting shall be treated as if the timber harvesting operation proposed in the application or notification were completed and regeneration not yet established.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-30-025, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-30-025, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-30-025, filed 7/2/92, effective 8/2/92.]

WAC 222-30-050 Felling and bucking. *(1) Felling along water.

(a) No trees will be felled into Type S and F Waters RMZ core zones, sensitive sites, or Type A or B Wetlands except trees which cannot practically and safely be felled outside these areas using techniques in general use.

Such felling and removing in Type S or F Waters shall comply with the hydraulic project approval of the department of fish and wildlife.

(b) Within RMZ inner and outer zones, and wetland management zones, fell trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional felling, lining, jacking and staged felling techniques are required.

(c) Trees may be felled into Type Np Water if logs are removed as soon thereafter as practical. See forest practices board manual section 4 guidelines for clearing slash and debris from Type Np and Ns Water.

***(2) Bucking or limbing along water.**

No bucking or limbing shall be done on trees or portions thereof lying within the bankfull width of Type S, F or Np Waters, in the RMZ core zones, in sensitive sites, or in open water areas of Type A Wetlands. Such bucking or limbing in Type S or F Waters shall comply with the hydraulic project approval of the department of fish and wildlife.

***(3) Felling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) Felling in selective and partial cuts. Reasonable care shall be taken to fell trees in directions that minimize damage to residual trees.

(5) Disturbance avoidance for northern spotted owls. Felling and bucking within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(6) Disturbance avoidance for marbled murrelets. Felling and bucking shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-30-050, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-30-050, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-30-050, filed 12/3/97, effective 1/3/98; 97-15-105, § 222-30-050, filed 7/21/97, effective 8/21/97. Statutory Authority: Chapters 76.09 and 34.05 RCW, 96-12-038, § 222-30-050, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-30-050, filed 7/2/92, effective 8/2/92. Statutory Authority: RCW 76.09.040, 87-23-036 (Order 535), § 222-30-050, filed 11/16/87, effective 1/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-30-050, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-050, filed 6/16/76.]

WAC 222-30-110 Timber harvesting on islands. On an island:

(1) A landowner shall not harvest by clearcut so that more than forty contiguous acres of that landowner's forest land are in a clearcut condition;

(2) Forest land harvested by clearcut remains in the clearcut condition until it has reached canopy closure or it has been reforested for at least ten years;

(3) Clearcut harvest units are contiguous unless separated by a buffer at least two hundred feet wide that has reached canopy closure, has been reforested for at least ten years, or is in a land use other than timber production.

(4) Within two hundred feet of the bankfull width of salt-water timber harvest shall be by selective harvest only, so that no more than thirty percent of the merchantable trees are harvested in any ten-year period: Provided, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silvicultural practices necessary for regeneration render selective harvest ecologically detrimental: Provided further, That harvest by clearcut on lands being converted to another use may be approved.

(5) The requirements of this section shall not apply to timber harvest or salvage timber damaged by wind, disease, insects, fire, or other natural causes.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-30-110, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-30-110, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW, 92-15-011, § 222-30-110, filed 7/2/92, effective 8/2/92.]

Chapter 222-34 WAC REFORESTATION

WAC

222-34-010
222-34-020

Required reforestation—West of Cascades Summit.
Required reforestation—East of Cascades Summit.

WAC 222-34-010 Required reforestation—West of Cascades Summit. (1) Reforestation - where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban uses, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting; or

(ii) Partial cutting where 50 percent or more of the timber volume is removed within any 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged; or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes; for example, removal of individual trees from lands used for farming or grazing; or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber; or

(iv) An average of 190 vigorous, undamaged, well-distributed seedlings per acre of a commercial tree species are established on the area harvested (up to 20 percent of the harvested area may contain fewer than 190 seedlings per acre, but no acre of the harvested area with timber growing capacity may contain less than 150 seedlings per acre); or

(v) A minimum of 100 vigorous, undamaged, well-distributed saplings or merchantable trees per acre of a commercial species or combinations thereof, remain on the area harvested.

(2) **Reforestation standards.** A harvested area is reforested when that area contains an average of 190 or more vigorous, undamaged commercial species seedlings per acre that have survived on the site for at least 1 growing season. Up to 20 percent of the harvested area may contain fewer than 190 seedlings per acre, but no portion of the harvested area with timber growing capacity may contain less than 150 seedlings per acre. The department may determine that less than an average of 190 seedlings per acre is acceptable if fewer seedlings will reasonably utilize the timber growing capacity of the site.

(3) **Competing vegetation.** Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth by commercial species.

(4) **Artificial regeneration standards.**

(a) **Satisfactory reforestation - clearcuts.** Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest, or a period of from 1 to 10 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: Provided, That regeneration failures from causes beyond the applicant's control will not result in violation of this section, but supplemental planting or reforestation may be required except in riparian management zones (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest land owner's control require delay in planting or seeding.

(i) **Reforestation species.** Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) **Seedling or seeding standards.** Except as approved by the department to qualify as acceptable reforestation, the seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) **Satisfactory reforestation - partial cuts.** Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site.

(5) **Natural regeneration standards.** A natural regeneration plan may be approved as acceptable reforestation if:

(a) A seed source of well formed trees of commercial tree species, capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan, or until issuance of a satisfactory reforestation inspection report.

(c) The seed source must consist of:

(i) Seed blocks of sizes and locations shown on the plan and satisfactory to the department; or

(ii) An average of at least 8 individually marked, well-distributed, undamaged, vigorous, windfirm seed trees per acre of plantable area and no inadequately stocked area is more than 400 feet from the nearest seed tree; and

(iii) Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth by commercial species.

(6) **Any alternate plan** for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in subsection (2) of this section within a period of 1 to 10 years.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-34-010, filed 5/31/05, effective 7/1/05; 87-23-036 (Order 535), § 222-34-010, filed 11/16/87, effective 1/1/88; 86-21-040 (Resolution No. 86-2), § 222-34-010, filed 10/10/86, effective 12/1/86. Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-34-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-34-010, filed 6/16/76.]

WAC 222-34-020 Required reforestation—East of Cascades Summit. (1) Reforestation - where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban use, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting; or

(ii) Partial cutting where 50 percent or more of the timber volume is removed within any 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged; or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes, for example, removal of individual trees from lands used exclusively for farming or cultivated pasture; or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber; or

(iv) An average of 150 vigorous, undamaged, well-distributed seedlings per acre of a commercial tree species are established on the area harvested (up to 20 percent of the harvested area may contain fewer than 150 seedlings per acre, but no acre of the harvested area with timber growing capacity may contain less than 120 seedlings per acre); or

(v) A minimum of 100 vigorous, undamaged, well-distributed advanced regeneration, saplings or merchantable trees per acre of a commercial tree species or combinations thereof, remain on the area harvested.

(2) **Reforestation standards.** A harvest area is reforested when that area contains an average of 150 or more vigorous, undamaged commercial species seedlings per acre that have survived on the site for at least 1 growing season. Up to

20 percent of the harvested area may contain fewer than 150 seedlings per acre, but no portion of the harvested area with timber growing capacity may contain less than 120 seedlings per acre. The department may determine that less than an average of 150 seedlings per acre is acceptable if fewer seedlings will reasonably utilize the timber growing capacity of the site.

(3) **Competing vegetation.** Competing vegetation shall be controlled to the extent necessary to allow establishment survival and growth by commercial species.

(4) **Artificial regeneration standards.**

(a) **Satisfactory reforestation - clearcuts.** Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest or a period of from 1 to 10 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: Provided, That regeneration failures from causes beyond the applicant's control will not result in a violation of this section, but supplemental planting may be required except in riparian management zones (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.

(i) **Reforestation species.** Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) **Seedling and seed standards.** Except as approved by the department to qualify as acceptable reforestation, the seedlings and seed must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) **Satisfactory reforestation - partial cuts.** Partial cuts not meeting the specifications of subsection (1)(b)(iv) or (v) of this section shall have a seed source as required in subsection (5)(c)(ii) of this section.

(5) **Natural regeneration standards.** A natural regeneration plan may be approved by the department as acceptable reforestation if:

(a) A seed source of well-formed, vigorous trees of commercial tree species capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan or until issuance of a satisfactory reforestation inspection report.

(c) The seed source consists of one of the following, or combinations thereof:

(i) Seed blocks which total a minimum of 5 percent of the area of each 40 acre subdivision or portion thereof harvested: Provided, That the seed block should be reasonably windfirm, at least 1/2 acre in size, and reserved in locations shown on the plan and approved by the department; or

(ii) A minimum of 4 undamaged seed trees per acre, well distributed over each 40 acre subdivision or portion thereof harvested: Provided, That the distance from seed trees of harvested areas that are not adequately stocked should not be more than 200 feet. Seed trees shall be of commercial tree species, vigorous and of seed-bearing age and size.

(6) **Any alternate plan** for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in subsection (2) of this section within a period of 1 to 10 years.

[Statutory Authority: RCW 76.09.040, 05-12-119, § 222-34-020, filed 5/31/05, effective 7/1/05; 87-23-036 (Order 535), § 222-34-020, filed 11/16/87, effective 1/1/88; 86-21-040 (Resolution No. 86-2), § 222-34-020, filed 10/10/86, effective 12/1/86. Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-34-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-34-020, filed 6/16/76.]

Title 230 WAC GAMBLING COMMISSION

Chapters

230-02

230-04

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General provisions and definitions.

Licensing.

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Rules of general applicability.

Bingo, raffles and amusement games.

Card games.

Chapter 230-02 WAC

GENERAL PROVISIONS AND DEFINITIONS

WAC

230-02-505

Recreational gaming activity—Defined.

WAC 230-02-505 Recreational gaming activity—Defined. A recreational gaming activity is a nongambling activity using poker tables and/or gambling devices authorized for use in fund-raising events, conducted no more than two times per calendar year, by or on behalf of an organization, business, or association, or department thereof. Only members and guests of the sponsoring organization, business, or association, or department thereof, may participate and the activity is subject to the requirements of WAC 230-25-330.

If a licensed distributor contracts with an organization, business, or association, or department thereof, to organize and conduct the recreational gaming activity on their behalf, the licensed distributor must send the commission a monthly schedule of activities for which they have contracted. This schedule must include the name of the organization, business, or association, or department thereof, and the date, location, and time of the activity. The schedule must identify any prior recreational gaming activities conducted by all licensed distributors on behalf of the organization, business, or association, or department thereof, within the last calendar year.

[Statutory Authority: RCW 9.46.070, 05-17-107 (Order 448), § 230-02-505, filed 8/16/05, effective 9/16/05. Statutory Authority: Chapter 9.46 RCW, 91-15-040 (Order 224), § 230-02-505, filed 7/17/91, effective 8/17/91.]

Chapter 230-04 WAC

LICENSING

WAC

230-04-142	Notification to the commission upon beginning, terminating, or changing employment—Public card room employees.
230-04-255	Director may issue temporary licenses—Procedures—Restrictions.
230-04-270	Bad checks submitted as payment of fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-04-208	Problem gambling awareness and training fee. [Statutory Authority: RCW 9.46.070. 04-24-036 (Order 441), § 230-04-208, filed 11/24/04, effective 6/30/05.] Repealed by 05-17-106 (Order 449), filed 8/16/05, effective 9/16/05. Statutory Authority: RCW 9.46.070.
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WAC 230-04-142 Notification to the commission upon beginning, terminating, or changing employment—Public card room employees. A licensed public card room operator shall notify the commission in writing before a card room employee begins work in the card room or has terminated employment for any reason.

(1) The notification shall be submitted on a form provided by the commission.

(2) Each notification shall be submitted before the card room employee's first day of work or when the employer determines the card room employee will no longer be working, as applicable, and shall reach the administrative office of the commission in Lacey, not later than 5:00 p.m. on the seventh business day following the employee's first day of work or last day of work, as applicable.

(3) A fee, the amount of which is set forth in WAC 230-04-204, must be submitted before a licensed card room employee or certified Class III employee begins working at another location.

(4) This rule shall not apply to persons operating a public card room under a Class B or Class D license only.

[Statutory Authority: RCW 9.46.070. 05-11-084 (Order 446), § 230-04-142, filed 5/17/05, effective 7/1/05; 01-05-021 (Order 400), § 230-04-142, filed 2/9/01, effective 3/12/01. Statutory Authority: RCW 9.46.070(7). 79-09-029 (Order 91), § 230-04-142, filed 8/14/79.]

WAC 230-04-255 Director may issue temporary licenses—Procedures—Restrictions. The director may issue a temporary license upon the administrative approval of the application. The following procedures apply to temporary licenses:

(1) Temporary licenses shall allow an applicant to conduct such activity for a period not to exceed sixty days.

(2) If the application is not approved by the commission during the sixty day period, the temporary license shall become void: Provided, That if the commission does not conduct a meeting within the sixty-day period, the director may approve an additional temporary license to expire no later than the day following the next scheduled public meeting;

(3) Once approved by the commission, a temporary license will be replaced with the issuance of a license to expire one year from the initial date of the temporary license.

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[Statutory Authority: RCW 9.46.070. 05-11-086 (Order 444), § 230-04-255, filed 5/17/05, effective 7/1/05; 00-09-052 (Order 383), § 230-04-255, filed 4/14/00, effective 5/15/00; Order 12, § 230-04-255, filed 2/14/74.]

WAC 230-04-270 Bad checks submitted as payment of fees. The payment of a license fee by a check, which for any reason is not promptly paid by the drawee bank, shall be grounds for immediate administrative closure of a new application, voiding of a temporary license, or revocation of a continuing license. If an application or license is administratively closed, voided or revoked under this section, a new application must be submitted with fees payable only by certified check, money order, or cash. Upon notification that a check is not negotiable or when a check must be resubmitted for payment for any reason, the commission shall:

(1) Add a processing charge of thirty dollars to the required license fee; and

(2) Notify the applicant by phone or in writing that payment in full, by certified check, money order, or cash, must be remitted within five days of the notification date. If the proper fee is not received within five days, the commission will proceed with appropriate administrative action.

[Statutory Authority: RCW 9.46.070. 05-11-085 (Order 445), § 230-04-270, filed 5/17/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW. 90-03-064 (Order 203), § 230-04-270, filed 1/18/90, effective 2/18/90; Order 5, § 230-04-270, filed 12/19/73.]

Chapter 230-08 WAC

RECORDS AND REPORTS

WAC

230-08-130	Activity reports by operators of punch boards and pull-tabs.
230-08-140	Activity reports by distributors.
230-08-150	Activity reports by manufacturers.
230-08-160	Activity reports by operators of social and public card rooms.
230-08-165	Activity reports by linked bingo prize providers.

WAC 230-08-130 Activity reports by operators of punch boards and pull-tabs. Each licensee for the operation of punch boards and pull-tabs shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below:

(1) Reports shall be submitted as follows:

(a) Commercial licensees must report on activity occurring between:

(i) January 1 through June 30 of each year; and

(ii) July 1 through December 31 of each year.

(b) Charitable/nonprofit licensees must report punch board/pull-tab activity in accordance with subsection (1) of this section, unless they are also licensed for Class D or above bingo.

(c) Class D or above bingo licensees with a punch board/pull-tab license must report punch board/pull-tab activity, on the combined quarterly report provided by the commission, to determine compliance with WAC 230-20-059.

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall be completed in accordance with the related instructions furnished with the report.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-08-130, filed 5/17/05, effective 7/1/05. Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-08-130, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 9.46.070. 94-11-095 (Order 251), § 230-08-130, filed 5/17/94, effective 7/1/94. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-130, filed 6/14/88. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-130, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-130, filed 2/22/85. Statutory Authority: RCW 9.46.070(8). 82-04-010 (Order 118), § 230-08-130, filed 1/22/82; Order 80, § 230-08-130, filed 12/28/77; Order 70, § 230-08-130, filed 5/24/77; Order 46, § 230-08-130, filed 2/13/76; Order 29, § 230-08-130, filed 1/23/75; Order 14, § 230-08-130, filed 3/27/74; Order 5, § 230-08-130, filed 12/19/73, 1:25 p.m.]

WAC 230-08-140 Activity reports by distributors.

Each licensed distributor shall submit an activity report to the commission concerning sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The following requirements shall be followed for completion and filing of activity reports:

(1) Licensees must report on activity occurring between:

- (a) January 1 through June 30 of each year; and
- (b) July 1 through December 31 of each year.

(2) The completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided;

(4) The report shall be completed in accordance with the related instructions furnished with the report.

(5) Each distributor with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted;

(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-08-140, filed 5/17/05, effective 7/1/05; 94-01-033, § 230-08-140, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-140, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-140, filed 2/22/85. Statutory Authority: RCW 9.46.070(7). 79-09-029 (Order 91), § 230-08-140, filed 8/14/79; Order 70, § 230-08-140, filed 5/24/77; Order 46, § 230-08-140, filed 2/13/76; Order 29, § 230-08-140, filed 1/23/75; Order 5, § 230-08-140, filed 12/19/73, 1:25 p.m.]

WAC 230-08-150 Activity reports by manufacturers.

Each licensed manufacturer shall submit an activity report to

the commission concerning all sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The following requirements shall be followed for completion and filing of activity reports:

- (1) Licensees must report on activity occurring between:
 - (a) January 1 through June 30 of each year; and
 - (b) July 1 through December 31 of each year.

(2) The completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer shall print his/her name and phone number on the report;

(4) The report shall be completed in accordance with the related instructions furnished with the report.

(5) Each manufacturer with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted;

(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-08-150, filed 5/17/05, effective 7/1/05; 94-11-095 (Order 251), § 230-08-150, filed 5/17/94, effective 7/1/94; 94-01-033, § 230-08-150, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-150, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-150, filed 2/22/85; Order 70, § 230-08-150, filed 5/24/77; Order 46, § 230-08-150, filed 2/13/76; Order 29, § 230-08-150, filed 1/23/75; Order 14, § 230-08-150, filed 3/27/74; Order 5, § 230-08-150, filed 12/19/73, 1:25 p.m.]

WAC 230-08-160 Activity reports by operators of social and public card rooms.

Each licensee for the operation of social or public card rooms shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below: Provided, That persons licensed under Class "D" - general, no fee charged, are exempt from all portions of this section:

- (1) Licensees must report on activity occurring between:
 - (a) January 1 through June 30 of each year; and
 - (b) July 1 through December 31 of each year.

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall be completed in accordance with the related instructions furnished with the report.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-08-160, filed 5/17/05, effective 7/1/05; 00-09-052 (Order 383), § 230-08-160, filed

4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-08-160, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 9.46.070. 94-11-095 (Order 251), § 230-08-160, filed 5/17/94, effective 7/1/94. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-160, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-160, filed 2/22/85. Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-08-160, filed 3/2/83; Order 80, § 230-08-160, filed 12/28/77; Order 70, § 230-08-160, filed 5/24/77.]

WAC 230-08-165 Activity reports by linked bingo prize providers. Each licensed linked bingo prize provider shall submit an activity report to the commission concerning sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The following requirements shall be followed for completion and filing of activity reports:

- (1) Licensees must report on activity occurring between:
 - (a) January 1 through June 30 of each year; and
 - (b) July 1 through December 31 of each year;
- (2) The completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;
- (3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided;
- (4) The report shall be completed in accordance with the related instructions furnished with the report;
- (5) Each linked bingo prize provider with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted; and
- (6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-08-165, filed 5/17/05, effective 7/1/05; 98-24-090 (Order 369), § 230-08-165, filed 12/1/98, effective 1/1/99.]

Chapter 230-12 WAC

RULES OF GENERAL APPLICABILITY

WAC

230-12-305	Licensee required to submit updated documents or information.
230-12-310	Licensees to report to the commission civil, criminal and administrative actions filed against them.
230-12-340	Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Authorized transactions.
230-12-350	Use of checks and credit cards to purchase gambling equipment, products, and services—Restrictions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-12-320	Manufacture and distribution of gambling equipment and services—Prohibited practices—Gifts, promotional activities, and loans—Exceptions. [Statutory Authority: RCW 9.46.070 (14) and (20). 97-20-026, § 230-12-320, filed 9/22/97, effective 1/1/98.] Repealed by 05-19-019 (Order 451), filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 9.46.070.
230-12-330	Availability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restrictions—Exceptions. [Statutory Authority: RCW 9.46.070. 02-10-003 (Order 411), § 230-12-330, filed

4/18/02, effective 7/1/02. Statutory Authority: RCW 9.46.070(11). 98-08-011, § 230-12-330, filed 3/18/98, effective 7/1/98. Statutory Authority: RCW 9.46.070 (14) and (20). 97-20-026, § 230-12-330, filed 9/22/97, effective 1/1/98.] Repealed by 05-19-019 (Order 451), filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 9.46.070.

230-12-345

Leases, rentals, and license agreements—Requirements—Restrictions. [Statutory Authority: RCW 9.46.070. 99-12-082 (Order 372), § 230-12-345, filed 5/28/99, effective 7/1/99.] Repealed by 05-19-019 (Order 451), filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 9.46.070.

WAC 230-12-305 Licensee required to submit updated documents or information. In addition to any other requirements set forth in these rules, persons licensed by the commission shall submit any new or updated documents or information including, but not limited to, the following:

- (1) Articles of incorporation or by laws, or any other documents which set out the organizational structure and purposes;
- (2) Internal Revenue Service tax exemption status (charitable/nonprofit organizations only);
- (3) All contracts and agreements, whether oral or written which relate to gambling activities or alter the organizational structure of the licensee or its business activities in Washington state; and
- (4) All cash or asset contributions, draws from lines of credit, and loans, from other than recognized financial institutions, which individually or collectively exceed a total of ten thousand dollars during any calendar year: Provided, That cash or asset contributions do not include donations to licensed charitable or nonprofit organizations.

Submission timeline.

- (5) The new or updated documents and/or information shall be submitted to the commission no later than sixty days following the transaction(s) date.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-12-305, filed 5/17/05, effective 7/1/05; 03-11-041 (Order 420), § 230-12-305, filed 5/15/03, effective 7/1/03; 94-07-084 (Order 250), § 230-12-305, filed 3/16/94, effective 4/16/94. Statutory Authority: RCW 9.46.070 (7)(14). 91-07-021, § 230-12-305, filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 9.46 RCW. 87-09-043 (Order 167), § 230-12-305, filed 4/14/87.]

WAC 230-12-310 Licensees to report to the commission civil, criminal and administrative actions filed against them. (1) Each licensee shall report to the commission within fourteen days, all criminal actions filed against the licensee or the licensee's president, chief executive officer, chairman of the board, treasurer (chief financial officer), partner, person holding a substantial interest or manager of the licensed gambling activity. The final disposition of the case must be received by the commission within thirty days after the final disposition.

- (2) Each licensee shall report to the commission within thirty days, all civil and administrative actions filed by or against persons listed in subsection (1) of this section that involve ownership or control of the business, dissolutions, actions significantly affecting business interests, such as patent or copyright infringement and all administrative actions from other gambling regulatory agencies, including those from other countries and Indian tribes. The final dispo-

sition of the case must be received by the commission within thirty days of the final disposition.

(3) The report shall consist of a complete copy of the original documents filed. The licensee shall notify the commission of the final disposition of the case and include a copy of the final documents filed including, but not limited to, settlement agreements.

(4) The director may exempt reporting specific types of civil actions upon written request and for good cause shown.

[Statutory Authority: RCW 9.46.070. 05-11-088 (Order 447), § 230-12-310, filed 5/17/05, effective 7/1/05; 00-09-051 (Order 382), § 230-12-310, filed 4/14/00, effective 5/15/00. Statutory Authority: Chapter 9.46 RCW. 86-21-060 (Order 162), § 230-12-310, filed 10/14/86; Order 15, § 230-12-310, filed 4/17/74.]

WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Authorized transactions. Manufacturers and distributors must not offer credit to operators in the sale of gambling equipment, devices, related supplies or paraphernalia, and services. Manufacturers and distributors must conduct all sales of such to operators on a cash basis. "**Cash basis**" means full payment is received by the seller on or before actual delivery of the product or service to the purchaser.

Capital leases.

(1) All licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty-eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;

(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;

(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and

(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

Rental or license agreements.

(2) Except for punch boards, pull-tabs, bingo paper, bingo supplies, playing cards, and other consumable gambling-related equipment or devices, manufacturers and distributors may lease or rent gambling equipment to operators. Manufacturers may also enter into license agreements with

operators for use of the manufacturer's patented, copyrighted, or trademarked games.

(3) Manufacturers and distributors may only base fee structures for electronic bingo equipment on the number of times a device is used or the number of bingo sessions in which devices are used. Fees must not be determined by a percentage of sales, the number of bingo cards sold through the device, or the average amount a player spends on a device.

Check or credit card purchases.

(4) Operators may purchase goods and services from manufacturers or distributors when paid for by checks, or credit card issued by a state and/or federally regulated financial institution that meet the requirements of WAC 230-12-350.

Exceptions.

(5) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section;

(6) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the product.

[Statutory Authority: RCW 9.46.070. 05-19-019 (Order 451), § 230-12-340, filed 9/9/05, effective 10/10/05; 02-10-003 (Order 411), § 230-12-340, filed 4/18/02, effective 7/1/02; 98-21-009 (Order 365), § 230-12-340, filed 10/9/98, effective 1/1/99. Statutory Authority: RCW 9.46.070 (14) and (20). 97-20-026, § 230-12-340, filed 9/22/97, effective 1/1/98.]

WAC 230-12-350 Use of checks and credit cards to purchase gambling equipment, products, and services—Restrictions. Checks and credit cards may be used by licensed operators and distributors to purchase gambling equipment, devices, related supplies or paraphernalia, and services in lieu of cash under the following conditions:

(1) Checks and credit cards must be drawn on the licensee's business account: Provided, That personal checks and credit cards drawn on the account of an owner, partner, or officer or substantial interest holder of a corporate licensee may be accepted.

(2) Checks received by distributors from operators must be negotiable and dated on or before the delivery date of the product or service. Checks shall not be postdated.

(3) Checks shall not be held and must be presented for payment at the manufacturer's or distributor's bank within the prescribed time frames. Failure to present checks within the prescribed time period shall be prima facie evidence of extension of credit to the drawer licensee by the manufacturer or distributor. Prescribed time frames are as follows:

(a) Checks received from operators shall be deposited within ten calendar days after the date the product or service was delivered; and

(b) Checks received from distributors shall be deposited within ten days of the date received or, if delivered by mail, thirteen days from the postmark of the envelope containing the payment.

[Statutory Authority: RCW 9.46.070. 05-19-019 (Order 451), § 230-12-350, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 9.46.070 (14) and (20). 97-20-026, § 230-12-350, filed 9/22/97, effective 1/1/98.]

Chapter 230-20 WAC

BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

230-20-115	Gift certificates.
230-20-325	Manner of conducting a raffle.
230-20-335	Members-only raffles—Procedures—Restrictions.

WAC 230-20-115 Gift certificates. Bingo operators may award gift certificates as bingo prizes or sell certificates to their customers under the following conditions:

- (1) **Standards for gift certificates.** Gift certificates must be purchased from a commercial printer or licensed distributor and have the following information printed on them:
 - (a) A predetermined certificate number;
 - (b) A predetermined dollar value;
 - (c) The name of the organization issuing the certificate;

and

- (d) Any conditions or contingencies related to the redemption of the certificate.

(2) **Awarding gift certificates as bingo prizes.** When gift certificates are awarded as bingo prizes:

- (a) The certificates must be issued consecutively;
- (b) The value of the certificates cannot exceed fifty dollars per bingo prize;
- (c) The certificates cannot be issued exclusively for punch boards or pull-tabs;
- (d) The value of each gift certificate must be recorded as a bingo prize in the daily bingo records, under the session awarded; and

(e) The bingo prize receipt for the certificate must be kept with the daily bingo records.

(3) **Selling gift certificates to customers.** When gift certificates are purchased by customers:

- (a) The certificates must be issued consecutively;
- (b) The certificates must be paid for in full at the time of purchase; and
- (c) All funds collected by the bingo operator must be deposited separately into the gambling account within five banking days. Each gift certificate number must be included with the deposit record.

(4) **Redeemed gift certificates:**

- (a) Redeemed certificates must be kept with the corresponding bingo daily sales records;
- (b) Gift certificates redeemed for bingo cards will not be considered sales of bingo cards; and

(c) The dollar value and number of certificates redeemed must be recorded in the cash reconciliation section of the daily bingo records.

(5) **A monthly reconciliation** of gift certificate inventory to certificates issued is required and must include the following controls:

- (a) A gift certificate inventory log, which includes the following:
 - (i) Certificate number;
 - (ii) Dollar value of each certificate;
 - (iii) Date the certificate was sold or awarded as a bingo prize; and

- (iv) Date the certificate was redeemed;
- (b) Purchase invoices, which must include the:
 - (i) Name of the organization;
 - (ii) Date the gift certificates were purchased; and
 - (iii) Beginning and ending numbers on the gift certificates.

[Statutory Authority: RCW 9.46.070. 05-07-106 (Order 442), § 230-20-115, filed 3/18/05, effective 7/1/05; 99-11-078 (Order 371), § 230-20-115, filed 5/18/99, effective 7/1/99. Statutory Authority: RCW 9.46.070 (1), (11), (14). 98-04-024, § 230-20-115, filed 1/28/98, effective 7/1/98. Statutory Authority: RCW 9.46.070 (1), (8), (11), (14), (16) and (20). 97-09-072, § 230-20-115, filed 4/22/97, effective 7/1/97. Statutory Authority: RCW 9.46.070 (1), (8) - (11), (14), (16), (20). 96-07-078, § 230-20-115, filed 3/19/96, effective 7/1/96.]

WAC 230-20-325 Manner of conducting a raffle.

Only licensed charitable and nonprofit organizations may operate raffles under the following conditions: Raffle tickets must be sold for twenty-five dollars or less. No person shall be required to purchase more than one raffle ticket. Every ticket for a particular raffle must be sold for the same price. However, tickets may be offered at a discount under the following conditions:

Bundling and selling tickets at a discount.

(1) Organizations may put tickets together in a bundle and sell them at a discount if the organization:

- (a) Has a current raffle license;
- (b) Sets the discount before selling any raffle tickets and does not change the discount plan during the raffle;
- (c) Keeps records that meet all commission requirements;
- (d) Makes single nondiscounted tickets available to all participants; and
- (e) Uses only one discount plan for each raffle.

(2) Booklets of bundled discounted tickets must contain the number of tickets set forth in the discount plan. For example, a single ticket is sold for five dollars each and three tickets bundled together are sold for ten dollars.

(3) Bundled tickets cannot be removed from a booklet and sold individually. Each booklet of bundled tickets must have the following information printed on the cover:

- (a) A description of the discount plan;
- (b) The number of tickets in the booklet;
- (c) The total cost of the booklet; and
- (d) A consecutive number.

Ticket accounting.

(4) Organizations must establish accounting procedures and provide controls necessary to allow for an audit of gross gambling receipts from ticket sales. To provide an adequate audit trail, all raffle tickets must:

- (a) Be consecutively numbered; or
- (b) Be imprinted with letters or symbols which are not repeated within the population of all tickets sold for a particular raffle.

No free tickets.

(5) Organizations must not give raffle tickets away for free and no one can be given an opportunity to participate in a raffle drawing without purchasing a ticket.

Selling tickets.

(6) Organizations must not sell raffle tickets via the internet.

(7) Tickets must be sold by members of the organization or volunteers under the supervision of a member under the requirements set forth in WAC 230-20-070(1).

Incentives for selling tickets.

(8) Members or volunteers of the organization must not be paid for selling tickets, managing, or operating a raffle. Organizations may provide members or volunteers with non-cash incentive awards for selling tickets if:

- (a) The awards are based on the number of chances sold;
- (b) The fair market value of the total amount awarded for an individual raffle does not exceed five percent of the gross gambling receipts of the raffle; and
- (c) A record of the name, address, and telephone number is maintained for all persons receiving incentive awards.

Rules must be provided to participants.

(9) Organizations must inform all participants at the time a ticket is purchased of all rules by which prizes may be won in a raffle. This information must be provided by either imprinting such on the participant's portion of the ticket or otherwise providing such to each participant in writing. Organizations must give each participant the following information:

- (a) The cost of each chance;
- (b) All prizes available, whether cash or merchandise;
- (c) Date and time of drawing;
- (d) Location of drawing;
- (e) Whether an entrant is required to be present at a raffle drawing in order to be eligible to win a prize; and
- (f) Name of organization conducting the raffle.

Posting the raffle license.

(10) The raffle license or a copy of the license must be posted in a readily visible location at the site of the drawing.

Ticket stub information.

(11) If organizations sell raffle tickets to the general public or for raffles that do not require the winner to be present at the drawing, the organization must include a stub or other detachable section bearing a duplicate number, letter, or symbol corresponding to the number, letter, or symbol on the ticket or object representing the player's chance. The portion kept by the organization must include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner.

Ticket stubs to be placed in receptacle for drawing.

(12) Each person that sells a raffle ticket must give the organization all ticket stubs or other detachable section of all tickets sold. The organization must place each stub or other detachable section of each ticket sold into a receptacle from which the winning tickets will be drawn.

Prizes.

(13) Organizations must own the prizes before drawing the winning tickets. Raffle prizes must:

- (a) Not be firearms, unless awarded as prizes under the provisions set forth in WAC 230-12-040;
- (b) Not be liquor;
- (c) Meet the requirements to the amount of money spent on prizes set forth in WAC 230-20-015; and
- (d) Be controlled as set forth in WAC 230-20-300.

Drawing winning tickets.

(14) Organizations must design the ticket collection receptacle so that each ticket has an equal opportunity to be drawn unless the organization is using an authorized alternative drawing format.

Using alternative drawing formats.

(15) Organizations may use an alternative drawing format that randomly determines winners when the organization:

- (a) Has a current raffle license;
 - (b) Maintains records sufficient to meet all requirements of WAC 230-08-070 regardless of license class;
 - (c) Meets the definition of a drawing as defined by WAC 230-02-500 with the alternate drawing format;
 - (d) Fully discloses to each player the random selection process used in the alternative format before selling tickets;
 - (e) Maintains a copy of the disclosure with the permanent raffle records;
 - (f) Ensures all participants have an equal chance of winning; and
 - (g) Uses raffle tickets that are prenumbered and sequential.
- (16) Alternative formats involving an element of skill are prohibited.
- (17) Internal controls and accounting procedures must:
- (a) Provide the ability to audit gross gambling receipts from ticket sales;
 - (b) Have sufficient controls to prevent manipulation of the random selection process; and
 - (c) Document the random selection process.

Alternative drawing formats.

(18) Organizations can only conduct alternative drawings for raffles that meet the criteria outlined in subsections (15), (16) and (17) of this section. The following are examples of alternative drawing formats that meet this criteria.

Mock raffle races.

(a) Sequentially numbered and issued tickets/adoption papers are numbered to identify a specific corresponding numbered mock animal(s), ball(s), or other similar objects that can be raced using natural elements to move the objects (water, gravity, wind). Objects must be released simultaneously at a start line. The winner will be the numbered object to first cross the finish line. All objects must be identical in weight, size, and shape, to have an equal opportunity to win.

Poker runs.

(b) Sequentially numbered and issued tickets/poker tally sheets are sold to participants. Participants will travel a predetermined course with predetermined drawing stations (typ-

ically five drawing stations). At each drawing station, the participant will draw one playing card for each ticket purchased. Station attendants will verify the card drawn and will record the card value on the poker ticket tally sheet. After all participants have completed the course, the best recorded poker hand will be declared the winner.

Ball drops.

(c) Sequentially numbered and issued tickets are numbered to identify a specific corresponding numbered ball. All purchased numbered balls will be suspended in air and simultaneously released over a target zone. The ball, closest or first, to hit the predetermined target will be declared the winner. All balls must be equal in size, weight, and shape, to have an equal opportunity to win.

Animal plops.

(d) Sequentially numbered and issued tickets are numbered to identify a specific corresponding square on a numbered grid. The animal of choice will be released into the grid area until the animal has completed its plop. The numbered square containing the plop will determine the winner.

Multiple stage drawings.

(e) Tickets or objects are sequentially numbered and issued. Winners will be determined using multiple drawing phases to eliminate participants until the remaining ticket holder(s) are declared the winner. Second element chance plans are allowed as long as they meet the criteria set out in this rule.

Bucket raffles.

(f) Tickets are sequentially numbered and issued. Participants are allowed to place their tickets into any number of separate drawings for separate prizes. The multiple drawings are considered one single raffle unless the organization uses different numbered tickets for each drawing.

Calendar raffle.

(g) Calendars are sequentially numbered and issued. All sold calendar numbers are entered into the drawing receptacle. On predetermined dates, identified on the calendar, drawings will be conducted. All winning tickets must be replaced into the drawing receptacle for future drawings.

Using a second element of chance.

(19) Organizations may use second elements of chance to:

- (a) Determine the final prize winner (for example: Ten finalists are drawn and each finalist will choose a key. The finalist with the key that unlocks the safe wins);
- (b) Determine which prize is awarded among a group of prizes (for example: The winner selects one of three keys and wins the vehicle the key starts);
- (c) Increase the prize (for example: The winning ticket matches a predetermined sequence of numbers and wins an additional prize).

(20) All aspects of the alternate drawing format must be closely controlled by the licensee.

Joint raffles.

(21) Organizations holding a raffle license may join together with another raffle licensee to conduct a raffle when the provisions set forth in WAC 230-20-350 are followed.

Members-only raffles.

(22) Organizations may conduct members-only raffles under simplified procedures set forth in WAC 230-20-335.

[Statutory Authority: RCW 9.46.070, 9.46.0315, 9.46.0321. 05-19-020 (Order 450), § 230-20-325, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 9.46.070. 01-23-054, § 230-20-325, filed 11/20/01, effective 1/1/02. Statutory Authority: RCW 9.46.070 (3), (8), (11) and (14). 98-08-052, § 230-20-325, filed 3/27/98, effective 7/1/98. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-325, filed 11/21/96, effective 12/22/96. Statutory Authority: RCW 9.46.0277 and 9.46.070. 96-07-077, § 230-20-325, filed 3/19/96, effective 7/1/96. Statutory Authority: RCW 9.46.070. 95-07-093, § 230-20-325, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-20-325, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070 (11), (14) and 9.46.0218 [9.46.0281]. 89-05-024 (Order 186), § 230-20-325, filed 2/13/89. Statutory Authority: RCW 9.46.070. 88-19-038 (Order 183), § 230-20-325, filed 9/13/88. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-325, filed 3/15/88. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (9), (11), (14) and (17) and 9.46.020 (19) and (23). 85-17-015 (Order 153), § 230-20-325, filed 8/12/85. Statutory Authority: RCW 9.46.070 (3), (8) and (11). 85-09-040 (Order 149), § 230-20-325, filed 4/15/85. Statutory Authority: RCW 9.46.070 (8) and (11). 83-11-034 (Order 133), § 230-20-325, filed 5/16/83.]

WAC 230-20-335 Members-only raffles—Procedures—Restrictions. Only licensed charitable and nonprofit organizations may conduct a members-only raffle. For purposes of this section, "members-only raffle" means a raffle where chances are sold only to members of the organization and a limited number of guests. Winners must be determined from among those members and guests that have purchased chances.

Licensed versus unlicensed.

(1) Organizations may conduct an unlimited number of unlicensed members-only raffles if the combined gross revenue from the raffles does not exceed five thousand dollars during a calendar year. If organizations plan to exceed the five thousand dollar gross revenue limit, they must obtain a raffle license.

Raffle to begin and end during membership meeting.

(2) All phases of the raffle must be completed during a meeting of the members or special event, and the meeting or event must be completed on the same day and at the same location without interruption.

Limit on number of guests.

(3) If organizations allow guests to participate, the total number of guests, as a percentage of the total attendance of the meeting, must not exceed twenty-five percent. The organization must maintain records to show compliance with this requirement.

Providing rules of play.

(4) Organizations must post a sign at each ticket sales point to provide participants with all rules of play or the

required disclosures must be imprinted on the raffle ticket or chance.

Tickets in packages.

(5) Organizations may include chances to enter a raffle as a part of a package that includes dues, entertainment, or other fund-raising activities if the value of each component of the package is disclosed to the purchaser and the value of each individual raffle chance does not exceed twenty-five dollars. However, initial applications for membership and any fees paid for such must not include chances to enter raffles or to participate in any gambling activities.

Modified pricing plans for tickets.

(6) Organizations may use modified ticket pricing plans at members-only raffles as long as gross revenue does not exceed five thousand five dollars. Chances to enter a raffle may be sold for different values not to exceed ten dollars for a single chance if:

(a) The plan for assigning the cost of the ticket is disclosed to the players before selling them a chance to participate. The information must include the total number of tickets in the population and the number of tickets at each price level;

(b) Participants are allowed to randomly select their ticket from the population of remaining tickets and pay the amount imprinted on the ticket they select;

(c) There is an adequate audit trail to determine gross gambling receipts;

(d) No more than two such drawings are held during a meeting or event.

Discount based on number of tickets purchased.

(7) Chances may be sold for a discounted price that is based on the number of tickets a player purchases if:

(a) The amount of the discount is set before any raffle tickets are sold;

(b) Participants are allowed to purchase a single ticket;

(c) There is only one discount plan for each raffle;

(d) The cost of a single ticket, without a discount, does not exceed ten dollars;

(e) The total cost of a discount package does not exceed twenty-five dollars;

(f) The cost of a single ticket is imprinted on each ticket (for example, one dollar each);

(g) The discounted tickets are identified by a unique ticket audit numbering system; and

(h) An audit system is established that includes controls and procedures to determine gross gambling receipts from the sale of tickets utilizing a modified pricing plan.

Other pricing plan.

(8) Multiple tickets to enter one or more drawings may be sold as a package as long as the total price of the package does not exceed twenty-five dollars.

Alternative drawing formats.

(9) Organizations may use alternative drawing formats set forth in WAC 230-20-325 for members-only raffles. Organizations may substitute prenumbered raffle tickets with

similar objects that can be used to randomly determine winners if the organization:

(a) Has a current raffle license; and

(b) Establishes internal controls and accounting procedures that will:

(i) Provide permanent records with enough information to verify gross gambling receipts;

(ii) Prevent the manipulation of the random selection process; and

(iii) Document, in detail, the random selection process used.

Members-only alternative drawing formats.

(10) Organizations can only conduct alternative drawings for raffles that meet the criteria outlined in subsection (9) of this section. In addition to the alternative drawing formats listed in WAC 230-20-325, the following are also examples of alternative drawing formats that can be used for members-only raffles.

Mock raffle races (horse race raffles).

(a) Sequentially numbered and issued tickets/race forms are sold to participants to wager on a specific mock animal in a field of mock animal racers (typically five to ten racers). The mock animals will race in individual lanes divided into equal spaces or squares (for example, bingo boards are sometimes used as race lanes). Animals will move forward based on the numbers rolled on dice or balls drawn from a set of bingo balls. The first mock animal to cross the finish line will be declared the winner. All winning ticket holders will split the prize pool or a drawing of winning tickets will determine a single winner.

Video race raffles.

(b) Sequentially numbered and issued tickets/race forms are sold to participants to wager on the outcome of an unknown video taped race, typically horse races. The previously taped races must be obtained from an outside source and no participants must have knowledge of the specific race or the specific racers before conducting the video race drawing. Participants will be allowed to wager on the specific racers, identified by numbers, or a specific race lane. All participants holding a winning race number ticket or winning lane number ticket will be declared the winner. A drawing of the winning tickets may be held to determine a single winner.

Paddle wheel raffles.

(c) Numbered paddles or numbered tickets are sold to participants that correspond with numbered spaces on a spinning wheel. A balanced wheel divided into numbered segments is spun, at least one full revolution. The specific number the wheel stops on will determine the winning ticket holder.

Pick your own ticket.

(d) A predetermined number of objects or tickets are sold to participants. Each object or ticket may only be issued one time. If using a modified pricing plan, the selection of tickets must be based totally on chance and no participant can determine the price of a ticket before making their selection. All

modified pricing plans must follow the requirements set out in subsections (6), (7) and (8) of this section.

Incentives for selling tickets.

(11) Organizations may provide members with noncash incentive awards for selling tickets if:

- (a) The awards are based on the number of chances sold;
- (b) The fair market value of the total amount awarded for an individual raffle does not exceed five percent of the gross gambling receipts of the raffle; and
- (c) A record of the name, address, and telephone number is maintained for all persons receiving incentive awards.

Prizes.

(12) Organizations must own the prizes before drawing the winning tickets. Raffle prizes must:

- (a) Not be firearms, unless awarded as prizes under the provisions set forth in WAC 230-12-040;
- (b) Not be liquor, unless unopened containers of liquor are awarded as a prize in members-only raffles when the proper permit is obtained from the liquor control board (RCW 9.46.0315 and WAC 230-20-335);
- (c) Meet the dollar amount limits set forth in WAC 230-20-015; and
- (d) Be controlled as set forth in WAC 230-20-300.

Records.

(13) For members-only raffle records, WAC 230-08-070 is modified as follows:

- (a) The name, address, and telephone number must be recorded for all winners of a prize valued at greater than fifty dollars, see WAC 230-08-070 (2)(e);
- (b) A detailed record of disbursements and returned tickets is not required, see WAC 230-08-070 (2)(f); and
- (c) All records must be maintained for a minimum of one year following the date of each individual raffle drawing, see WAC 230-08-070(4).

[Statutory Authority: RCW 9.46.070, 9.46.0315, 9.46.0321, 05-19-020 (Order 450), § 230-20-335, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 9.46.070 and 9.46.0277, 05-07-107 (Order 443), § 230-20-335, filed 3/18/05, effective 7/1/05. Statutory Authority: RCW 9.46.070, 01-23-054, § 230-20-335, filed 11/20/01, effective 1/1/02. Statutory Authority: RCW 9.46.070 (3), (8), (11) and (14), 98-08-052, § 230-20-335, filed 3/27/98, effective 7/1/98. Statutory Authority: RCW 9.46.0277 and 9.46.070, 96-07-077, § 230-20-335, filed 3/19/96, effective 7/1/96. Statutory Authority: RCW 9.46.070, 95-07-093, § 230-20-335, filed 3/17/95, effective 7/1/95.]

Chapter 230-40 WAC CARD GAMES

WAC

230-40-610

Player-supported jackpots—Restrictions—Manner of conducting—Approval.

WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval. A player-supported jackpot (PSJ) is a separate contest of chance directly related to the play and/or outcome of authorized non-house-banked card games but which is not the card game itself. Card rooms with a Class F or house-banked license may establish a prize fund for the purpose of operating a PSJ

for nonhouse-banked card games. Any PSJ must be approved in writing by the director or the director's designee prior to play. A PSJ must meet the following requirements:

Funding a PSJ.

(1) A licensee may provide house funds to establish a PSJ. The licensee shall issue a check from the general business account into the PSJ account to start the prize fund. Recouping of start up funds shall be done by issuing a check from the PSJ account to the business general account. Electronic bank transfers shall satisfy this requirement. Start up funds shall not exceed five thousand dollars per PSJ.

Using a rake to fund a PSJ.

(2) A licensee may assess a portion of players' wagers for a jackpot prize. Such amount shall not exceed two dollars per hand or game for each PSJ. This assessment shall be separately collected using the rake method.

PSJ funds are player funds - exception from administrative fee.

(3) The licensee acts only as the custodian of the PSJ funds, including any interest earned on this money, and maintains no legal right to the funds. All PSJ funds shall be awarded as prizes, based upon a format approved by commission staff. An administrative fee not to exceed ten percent of the amount collected for a PSJ may be imposed by the licensee. This administrative fee includes all expenses incurred by the licensee, including banking fees. No other expenses beyond the ten percent administrative fee shall be deducted from the PSJ account.

Prize fund custodian.

(4) Each licensee shall designate at least one "prize fund custodian" who shall be responsible for safeguarding and disbursing funds to winners. A prize fund custodian may be an owner, partner, officer, or licensed individual designated by a card room owner, partner, or officer. The custodian shall have signature authority for prize fund bank accounts and ensure accountability of all funds collected for use in a PSJ. The licensee shall meet the deposit requirements of WAC 230-40-608.

Payout of prizes.

(5) Prize amounts paid in cash shall not exceed two thousand five hundred dollars. Prize amounts not awarded in cash shall be paid within twenty-four hours, by check, the type which provides a duplicate copy. A record of all prizes paid shall be maintained in the format prescribed by commission staff and shall include:

- (a) For prizes less than one hundred dollars, a system of accounting denoting each individual prize may be utilized.
- (b) For prizes one hundred dollars and above, the following information shall be recorded on a prize record:
 - (i) Full printed name;
 - (ii) Date of birth;
 - (iii) Street address;
 - (iv) Type of identification reviewed;
 - (v) Amount of the prize awarded;
 - (vi) Description of the winning hand;

- (vii) Time and date awarded; and
- (viii) The supervisor's and dealer's initials.

(c) When awarding a prize of five hundred dollars or more, the dealer must, in view of the surveillance camera, display the value and suit of each card in the winning hand, and the remaining cards in the deck must be counted and put in numerical order by suit to confirm a complete deck. The hand shall be collected and sealed with the prize record. The winning hand and remaining deck shall be maintained on the premises as part of daily card room records for a period of seven days, unless released by a commission agent.

Owners and employees competing for a PSJ.

(6) Owners, custodians and on-duty card room employees may participate in card games that offer a PSJ, but may not share in the winnings of any prize awarded. Any prize winnings an owner or on-duty employee may be entitled to under game rules, must be divided equally among the other players at the table: Provided, That off-duty employees may participate in card games that offer a PSJ and share in the prize winnings.

Owners and employees showing cards.

(7) Owners and on-duty card room employees must turn their cards face up at the end of each game so they may be observed by other players at the table and surveillance if:

- (a) Playing in a game with a PSJ;
- (b) The prize is not based upon a predetermined hand; and
- (c) There is a qualifying hand at the end of a game (such as a "bad beat" hand).

House dealer required.

(8) All card games offering a PSJ must utilize a house dealer.

Security requirements.

(9) Each gaming table offering a PSJ shall be required to install a closed circuit television system as outlined in WAC 230-40-625: Provided, That licensees operating any house-banked card games shall follow the security requirements set forth in WAC 230-40-825 for all tables in the card room, including those offering a PSJ.

Removing a PSJ from play.

(10) The following procedures shall be followed for all discontinued player-supported jackpots:

Discontinued.

(a) In the event a licensee elects to discontinue a PSJ, the balance, less any nonrecouped seed money, shall be distributed to players within sixty days of discontinuance by offering an approved promotion or card tournament of the same game under which the PSJ was originally accrued.

Closure of business.

(b) In the event a licensee ceases to operate a card room, or fails to maintain a valid card room license, all funds associated with the PSJ shall be distributed to the Washington state council on problem gambling.

Posting rules.

(c) The licensee shall conspicuously post a sign stating how PSJ money will be distributed in the event the PSJ is discontinued or the business closes. The sign must be posted at the inception of the PSJ.

House rules.

(11) House rules, to include administrative fees shall be posted in a location readily visible by all players and disclose the conditions under which prizes may be won, the prize amount, cost to participate, and any other conditions which may affect the outcome of the game.

Dispute resolution.

(12) If a dispute arises involving the outcome of a PSJ, the licensee shall preserve the video recording, the winning hand and remaining deck, and all records for the game where the dispute occurred and shall notify commission staff within twenty-four hours. The licensee shall document all information pertaining to the dispute including:

- (a) The names, addresses, and phone numbers of all players, card room staff, and any witnesses involved;
- (b) Amount of the advertised PSJ; and
- (c) A full description of the circumstances surrounding the dispute.

(13) All disputes involving a PSJ will be investigated by commission staff, with a report submitted to the director. A written decision will be issued by the director, or the director's designee, and such decision shall be final.

(14) During the course of dispute resolution, the commission may become the temporary custodian of any and all prize funds. The PSJ will be suspended until the dispute is resolved.

[Statutory Authority: RCW 9.46.070 and 9.46.0282. 05-23-129 (Order 452), § 230-40-610, filed 11/21/05, effective 1/1/06. Statutory Authority: RCW 9.46.070. 04-24-038 (Order 439), § 230-40-610, filed 11/24/04, effective 1/1/05; 02-17-033 (Order 414), § 230-40-610, filed 8/13/02, effective 1/1/03; 01-13-091 (Order 403), § 230-40-610, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-610, filed 4/14/00, effective 5/15/00.]

Title 232 WAC FISH AND WILDLIFE, DEPARTMENT OF (WILDLIFE)

Chapters 232-12 232-16 232-28

Permanent regulations. Game reserves. Seasons and limits.

Chapter 232-12 WAC PERMANENT REGULATIONS

WAC

232-12-021
232-12-068

Importation and retention of dead nonresident wildlife.
Nontoxic shot requirements.

232-12-129	Captive propagation of raptors—Sale, records, reports and inspection.
232-12-619	Permanent Washington statewide game fish rules.

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer or elk, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047, 05-02-046 (Order 04-327), § 232-12-021, filed 1/3/05, effective 2/3/05. Statutory Authority: RCW 77.12.030, 93-04-040 (Order 583), § 232-12-021, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-021, filed 1/28/82; 81-12-029 (Order 165), § 232-12-021, filed 6/1/81. Formerly WAC 232-12-060.]

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (2 types - 40 parts tungsten: 60 parts iron with <1 percent residual lead, and 22 parts tungsten: 78 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tungsten-iron-nickel-tin shot (65% tungsten: 10.4% iron: 2.8% nickel: 21.8% tin, with <1 percent residual lead), tungsten-nickel-iron shot (20-70% tungsten: 10-40% nickel: 10-70% iron with <1 percent residual lead), tungsten-

tin-bismuth shot (49-71% tungsten, 29-51% tin, 0.5-6.5% bismuth with <1 percent residual lead), and tungsten-bronze shot (51.1% tungsten, 44.4% copper, 3.9% tin, 0.6% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

Bridgeport Bar segment of the Well's Wildlife Area
Cowlitz Wildlife Area
Lake Terrell Wildlife Area (including Tennant Lake and other segments)
Shillapoo Wildlife Area
Skagit Wildlife Area (all segments)
Snoqualmie Wildlife Area (all segments)
Sunnyside Wildlife Area
The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area
Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Chehalis River pheasant release site
Dungeness Recreation Area
Hunter Farms pheasant release site
Raymond Airport pheasant release site
Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
All Whidbey Island pheasant release sites

[Statutory Authority: RCW 77.12.047, 05-17-098 (Order 05-174), § 232-12-068, filed 8/15/05, effective 9/15/05; 03-16-030 (Order 03-165), § 232-12-068, filed 7/29/03, effective 8/29/03; 03-13-047 (Order 03-129), § 232-12-068, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040, 01-17-092 (Order 01-157), § 232-12-068, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530, 01-10-048 (Order 01-69), § 232-12-068, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780, 00-11-137 (Order 00-50), § 232-12-068, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040, 99-17-034 (Order 99-118), § 232-12-068, filed 8/11/99, effective 9/11/99; 98-17-044 (Order 98-152), § 232-12-068, filed 8/13/98, effective 9/13/98; 97-18-026 (Order 97-164), § 232-12-068, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010, 96-18-009 (Order 96-127), § 232-12-068, filed 8/22/96, effective 9/22/96. Statutory Authority: RCW 77.12.040, 95-18-072 (Order 95-126) § 232-12-068, filed 9/1/95, effective 10/2/95.]

WAC 232-12-129 Captive propagation of raptors—Sale, records, reports and inspection. (1) Anyone holding a valid raptor propagation permit may offer for sale, sell, or trade any captive bred raptor, wearing a seamless U.S. Fish and Wildlife Service band, to anyone holding a permit authorizing possession of said raptor.

(2) Anyone holding a valid raptor propagation permit, falconry permit, or other permit authorizing possession may purchase said captive bred raptor.

(3) Sale of a captive bred raptor is unlawful if it is not accompanied by an invoice. The raptor propagator must retain a copy of the invoice for two years and must send to the department a copy or a listing of the transfers in an annual report.

(4) Anyone holding a valid raptor propagation permit must keep record of the date each clutch is initiated, the onset

of incubation and the date of hatching of each chick. The initiation of each clutch of eggs must be reported to the department within 72 hours. These records must be up to date and the breeding facilities and records open for inspection by a wildlife agent at reasonable times.

(5) Wild caught raptors taken in Washington may be used for propagation purposes, progeny shall not be offered for sale or trade.

(6) Anyone holding a valid raptor propagation permit must submit to the department before January 31 of each year a report summarizing the year's activities.

[Statutory Authority: RCW 77.12.047. 05-05-008 (Order 05-10), § 232-12-129, filed 2/7/05, effective 3/10/05. Statutory Authority: RCW 77.12.030, 77.12.090, 77.12.105 and 77.32.070. 85-09-006 (Order 245), § 232-12-129, filed 4/5/85.]

WAC 232-12-619 Permanent Washington statewide game fish rules. The following statewide rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.
(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead April 1st through the following March 31st of which no more than one may be a wild steelhead from waters in which wild steelhead retention is allowed.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(6) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of five hooks may be used.

(11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - release bass greater than twelve but less than seventeen inches in length, only one over seventeen inches may be retained Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP.... It is unlawful to fish for or retain grass carp.		
TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds. No more than two of the trout daily catch limit of 5 may be Steelhead.	None in Lakes, Ponds, and Reservoirs. Eight inches in Rivers, Streams, and Beaver Ponds.

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
EASTERN BROOK TROUT (<i>Salvelinus fontinalis</i>)	Five - to be considered part of the trout daily catch limit. Counts as a bonus limit in rivers, streams and beaver ponds. Total of five fish, including brook trout, in these waters.	None
BURBOT	Five	None
CHANNEL CATFISH	Five.	None.

(a) The following game fish species are managed as trout:

Eastern brook trout
Brown trout
Cutthroat trout
Dolly Varden/Bull trout
Golden trout
Grayling
Kokanee/Silver trout
Lake trout
Landlocked Atlantic salmon
Rainbow trout/Steelhead
Landlocked chinook and coho
Tiger trout

(b) Wild steelhead release is required year-round, except as provided in exceptions to statewide rules.

(c) All waters, statewide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to statewide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-two inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Sixteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

(14) Daily wild steelhead limit: It is unlawful for any person to retain more than one wild steelhead per day from those waters in which wild steelhead retention is allowed.

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except:

(i) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(ii) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(iii) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through August 31.

(iv) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 232-12-619, filed 8/3/05, effective 9/3/05; 05-05-035 (Order 05-15), § 232-12-619, filed 2/10/05, effective 5/1/05; 04-19-012 (Order 04-242), § 232-12-619, filed 9/2/04, effective 10/3/04; 04-07-009 (Order 04-39), § 232-12-619, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 232-12-619, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 232-12-619, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 232-12-619, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 232-12-619, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 232-12-619, filed 3/30/99, effective 5/1/99. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 232-12-619, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 232-12-619, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 232-12-619, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040, 97-07-076 (Order 97-50), § 232-12-619, filed 3/19/97, effective 5/1/97; 96-11-079 (Order 96-45), § 232-12-619, filed 5/13/96, effective 6/13/96; 95-17-063 (Order 95-103), § 232-12-619, filed 8/15/95, effective 9/15/95; 95-05-008 (Order 95-11), § 232-12-619, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040, 93-21-070 (Order 617), § 232-12-619, filed 10/20/93, effective 4/16/94. Statutory Authority: RCW 77.12.040, 93-10-054 (Order 600), § 232-12-619, filed 4/30/93, effective 5/31/93. Statutory

Authority: RCW 77.04.055 and 77.12.040. 92-01-084 (Order 524), § 232-12-619, filed 12/16/91, effective 4/16/92.]

Chapter 232-16 WAC GAME RESERVES

WAC

232-16-050 Byron Game Reserve.
232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

WAC 232-16-050 Byron Game Reserve. That part of the Byron Ponds segment of the Sunnyside Wildlife Area (department of fish and wildlife lands) east of the Mabton Pressure Pipeline, legally described as the W.1/2 of Section 12 that is north of U.S. Highway No. 410 except for the NE1/4 of the SE1/4 of the SW1/4; the NW1/4 of the NW1/4 of the SE1/4 of Section 12; that part of Section 11 east of the Mabton pressure pipeline and north of U.S. Highway No. 410; and that part of Section 2 that is east of said pipeline; all of the above sections being in Twp. 8N., R.23E.W.M.

[Statutory Authority: RCW 77.12.047. 05-17-098 (Order 05-174), § 232-16-050, filed 8/15/05, effective 9/15/05; Order, filed 7/29/64; Resolution 168, filed 3/21/60.]

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 24, T13N, R27E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to a line running between shoreline navigation marker 4 at Levey Park Recreation Area and the Corps of Engineers windmill at Charbonneau Habitat Management Unit.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunny-

side-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

[Statutory Authority: RCW 77.12.047. 05-17-098 (Order 05-174), § 232-16-740, filed 8/15/05, effective 9/15/05; 04-17-061 (Order 04-207), § 232-16-740, filed 8/11/04, effective 9/11/04; 03-16-087 (Order 03-175), § 232-16-740, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. 97-18-023 (Order 97-163), § 232-16-740, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-005 (Order 96-123), § 232-16-740, filed 8/22/96, effective 9/22/96.]

Chapter 232-28 WAC SEASONS AND LIMITS

WAC

232-28-248 Special closures and firearm restriction areas.
232-28-266 2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.
232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.
232-28-273 2005 Moose, bighorn sheep, and mountain goat seasons and permit quotas.
232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.
232-28-284 2005 Spring black bear damage seasons and regulations.
232-28-285 2005-2006 Pilot cougar hunting seasons with the aid of dogs.
232-28-291 Special hunting season permits.
232-28-299 Mandatory report of hunting activity.
232-28-333 Game management units (GMUs) boundary descriptions—Region three.
232-28-335 Game management units (GMUs) boundary descriptions—Region five.
232-28-337 Deer and elk area descriptions.
232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.
232-28-351 2003-2005 Deer general seasons and special permits.
232-28-352 2003-2005 Elk general seasons and special permits.
232-28-429 2005-06 Migratory waterfowl seasons and regulations.
232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.
232-28-620 Coastal salmon—Saltwater seasons and daily limits.
232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-28-428 2004-05 Migratory waterfowl seasons and regulations.
[Statutory Authority: RCW 77.12.047. 04-17-061 (Order 04-207), § 232-28-428, filed 8/11/04, effective 9/11/04.] Repealed by 05-17-098 (Order 05-174), filed 8/15/05, effective 9/15/05. Statutory Authority: RCW 77.12.047.

WAC 232-28-248 Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds

year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.

2. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
3. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
4. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
5. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.
6. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for the hunting of elk by the holders of GMU-157 special elk permits during the

established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.

5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in any of these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

Additional firearm restrictions may be listed under the area description.

COUNTY	AREA
Chelan	That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	That portion of GMU 554 in Clark County. GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

COUNTY	AREA
	The Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. This area is restricted to archery only: The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning.
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Walacut River.
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County.

COUNTY	AREA
	GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

[Statutory Authority: RCW 77.12.047. 05-11-022 (Order 05-89), § 232-28-248, filed 5/10/05, effective 6/10/05; 05-02-046 (Order 04-327), § 232-28-248, filed 1/3/05, effective 2/3/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-248, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-248, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-248, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-248, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-248, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-248, filed 5/5/99, effective 6/5/99; 98-10-018 (Order 98-54), § 232-28-248, filed 4/22/98, effective 5/23/98; 97-06-052 (Order 97-32), § 232-28-248, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-248, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-11-036, § 232-28-248, filed 5/10/95, effective 6/10/95; 95-03-038 (Order 94-150), § 232-28-248, filed 1/10/95, effective 2/10/95.]

WAC 232-28-266 2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments, except Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

2003-2004	2004-2005	2005-2006
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

2003-2004	2004-2005	2005-2006
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 Statewide

Location: Hanford Area

Elk Area 3722

Kill Quota: 30 any elk; 10 spike bull or antlerless; 60 antlerless only

Elk Area 3721

Kill Quota: 50 spike or antlerless during Aug. 1 - March 31, 2006; 30 bulls only during May 15 - July 31, except spike only July 1-31.

Special Note: Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.

[Statutory Authority: RCW 77.12.047, 05-11-021 (Order 05-85), § 232-28-266, filed 5/10/05, effective 5/15/05; 03-10-009 (Order 03-80), § 232-28-266, filed 4/25/03, effective 5/26/03. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780, 00-11-137 (Order 00-50), § 232-28-266, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.020, 77.12.030, 77.12.040 and 77.32.220, 97-05-074, § 232-28-266, filed 2/19/97, effective 3/22/97.]

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

DEER GENERAL SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm			
Hunting Method	2005 Dates	Special Restrictions	Boundary Description
Early Archery	Aug. 26-Sept. 11	Any Buck	PLWMA 401 B & C (Central & South)
Early Muzzleloader	Aug. 26-Sept. 11	Any Buck	PLWMA 401A (North)
Modern Firearm	Oct. 7-23	2 Pt. Min.	PLWMA 401 (All)
Late Archery	Nov. 18-Dec. 4	2 Pt. Min. or Antlerless	PLWMA 401A (North)
Late Muzzleloader	Nov. 18-Dec. 4	2 Pt. Min. or Antlerless	PLWMA 401 B & C (Central & South)

Merrill and Ring (PLWMA 600) Pysht Tree Farm (South Unit)			
Hunting Method	2005 Dates	Special Restrictions	Boundary Description
Archery	Nov. 25-Dec. 23	2 Pt. Min.	South Unit (600B)
Modern Firearm	Oct. 15-30 and Nov. 17-20	2 Pt. Min.	South Unit (600B)
Muzzleloader	Oct. 1-10	2 Pt. Min.	South Unit (600B)

2005 DEER PERMIT SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

2005 - Mule and Whitetail Deer				
Buckrun Limited Permit Draw Hunts. Hunters apply to Washington Department of Fish and Wildlife. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters can expect one to three days of hunting during the permit season with written authorization from the PLWMA manager. All hunters must check in and out on hunt day.				
Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun A	20	Sept. 1-Oct. 14	[.]*3 Pt. Maximum or Antlerless deer	PLWMA 201
Buckrun B	40	Oct. 24-Dec. 31	Antlerless deer	PLWMA 201
Buckrun C	10	Sept. 1-Oct. 14 and Oct. 24-Dec. 31	Senior hunters only, Antlerless deer	PLWMA 201
[.]*3 Pt. maximum - A legal deer must have no more than 3 antler points on either antler (i.e. 1x1, 1x2, 1x3, 2x2, 2x3, 3x3 are legal). All antler points must be at least one inch long. Antler points exclude eye guards. Hunts are scheduled by the manager 509-345-2577. All other hunting regulations apply.				

2005 - Blacktail Deer**Rainier Timber Company Kapowsin Tree Farm -**

Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. 9-11	Antlerless Only, All Hunters	PLWMA 401A North
Kapowsin Central	10	Dec. 9-11	Antlerless Only, AHE Hunters	PLWMA 401B Central
	15	Dec. 9-11	Antlerless Only, Disabled Hunters	PLWMA 401B Central
	25	Dec. 9-11	Antlerless Only, Youth Hunters	PLWMA 401B Central
Kapowsin South	50	Dec. 9-11	Antlerless Only, Hunters 65 & Older	PLWMA 401C South
	50	Dec. 9-11	Antlerless Only, All Hunters	PLWMA 401C South

**ACCESS QUOTAS AND RAFFLE SEASONS
ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

2005 - Mule and Whitetail Deer**Buckrun Limited Area - Access Quotas and Seasons**

Only hunters possessing a modern firearm deer tag are eligible for access authorizations on PLWMA 201. An access fee will be charged for these hunts. You may contact the PLWMA manager, Derek Stevens, at (509) 345-2577 for information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	70	Sept. 15-Oct. 14 and Oct. 24 and Dec. 31	Any Deer	PLWMA 201
	40	Sept. 15-Oct. 14 and Oct. 24 and Dec. 31	Antlerless Only	PLWMA 201
Buckrun Raffle	2	Sept. 15-Oct. 14 and Oct. 24 and Dec. 31	Raffle - Any Deer	PLWMA 201

2005 - Blacktail Deer**Rainier Timber Company Kapowsin Tree Farm—Raffle Quotas and Seasons**

Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.

Only hunters possessing a valid deer tag (any 2005 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	9	Oct. 28-Nov. 13	Buck Only (Raffle)	PLWMA 401A North
Kapowsin Central/Buck	21	Oct. 28-Nov. 13	Buck Only (Raffle)	PLWMA 401B Central
Kapowsin South/Buck	21	Oct. 28-Nov. 13	Buck Only (Raffle)	PLWMA 401C South
Kapowsin Central	50	Dec. 9-11	Antlerless Only (Draw)	PLWMA 401B Central

2005 - Blacktail Deer**Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons**

An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Hunters drawing a Merrill and Ring deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht A	15	Nov. 25-Dec. 23	Raffle, Archery, 3 pt. minimum	PLWMA (600) North Unit
Pysht B	20	Oct. 1-10	Raffle, Muzzleloader, 3 pt. minimum	PLWMA (600) North Unit

2005 - Blacktail Deer**Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons**

An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Hunters drawing a Merrill and Ring deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht C	30	Nov. 5-22	Raffle, Any Weapon, 3 pt. minimum	PLWMA (600) North Unit
Pysht D	5	Nov. 5-22	Restricted, 3 pt. minimum	PLWMA (600) North Unit

2005 ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**2005 - Elk****Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons**

Only hunters possessing a valid 2005 elk tag and meeting the special restrictions noted for each hunt are eligible for Rainier Timber Company access permits on PLWMA 401. Hunters must contact Rainier Timber Company for auction/raffle permit opportunity. Hunters drawing a Rainier Timber Company elk raffle permit are eligible to purchase a second elk tag for the hunt. Rainier Timber Company, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call 1-800-782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull Central	4	Sept. 16-Oct. 2	Raffle Any Bull, Any Tag	PLWMA 401B Central
Kapowsin Bull South	4	Sept. 16-Oct. 2	Raffle Any Bull, Any Tag	PLWMA 401C South

2005 - Elk**Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Permit Draw Elk Hunts.**

Hunters apply to WDFW in WDFW permit draw process. An access fee will be charged for this hunt.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	1	Sept. 16-Oct. 2	Any Bull, Any Elk Tag	PLWMA 401A North

2005 - Elk**Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season**

Hunter must contact Merrill and Ring for raffle hunt opportunity. Hunters drawing a Merrill and Ring elk raffle permit may purchase a second elk tag for the hunt. For more information please call Merrill and Ring at 1-800-998-2382 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht A	4	Sept. 15-30	Any Bull Elk, Any Weapon	PLWMA 600
Pysht B	1	Sept. 1-14	Any Bull Elk, Archery	PLWMA 600
Pysht C	1	Oct. 5-14	Any Bull Elk, Muzzleloader	PLWMA 600

2005 - Elk

Merrill and Ring PLWMA 600 Pysht Tree Farm - Permit draw elk hunt. Hunters apply to WDFW in WDFW permit draw process. An access fee will be charged for this hunt.

Hunt Name	Harvest Quota	Permit Season	Special Restrictions	Boundary Descriptions
Pysht	1	Nov. 1-7	Any Bull, Any Weapon	PLWMA 600

AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PLWMA 201 - Buckrun Limited (Grant County):
PLWMA 201 SHALL INCLUDE THE FOLLOWING DESCRIBED LANDS WITHIN GAME MANAGEMENT UNIT 272 (BEAZLEY) IN GRANT COUNTY:

[2006 WAC Supp—page 626]

T22N R29EWM:

Sections 2 (S 1/2 of NW 1/4), 3 (N 1/2), 4 (except SE 1/4 of SE 1/4), 5, 6 (those lands lying north of the Burlington Northern Santa Fe Railroad bed and S 1/2 of the SE 1/4), 8, and 9.

T23N R26EWM:

Section 13 (E 1/2 of SE 1/4).

T23N R27EWM:

Sections 7 (E 1/2 of SE 1/4 and SE 1/4 of NE 1/4), 8 (S 1/2 and S 1/2 of the NW 1/4), 11 (S 1/2), 12 (S 1/2 of SW 1/4 and SW 1/4 of SE 1/4), 13 (except the area between Dry Coulee Road and the Northern Pacific Railroad bed), 14, 17 (except those lands enrolled in the Hunt By Written Permission program), 18, 19, 20 (W 1/2), 21, 22, 23, 24, 25 (N 1/2), 26, and 27.

T23N R28EWM:

Sections 1, 2, 3 (except W 1/2 of W 1/2), 4 (W 1/2 of SE 1/4 south of the Pinto Ridge Road), 8 (SE 1/4 and S 1/2 of SW 1/4), 9 (southeast of the Pinto Ridge Road except the Stratford Game Reserve), 10 (NE 1/4 and the E 1/2 of NW 1/4), 12 (N 1/2), 15 (south of the Stratford Game Reserve), 16 (south of the Stratford Game Reserve), 18 (south of the Northern Pacific Railroad bed), 19, 20, 21, 22, 23, 26, 27, 28, 29 (N 1/2 and N 1/2 of the S 1/2), 30, 32 (SE 1/4, S 1/2 of NE 1/4 east of the Pinto Ridge Road), 33, 34 (N 1/2 and N 1/2 of the S 1/2), and 35 (north of the Stratford Game Reserve).

T23N R29EWM:

Sections 1 (S 1/2 of S 1/2), 5, 6, 7, 8, 9, 12 (except S 1/2 of SW 1/4), 13, 14, 15, 16 (E 1/2), 17, 18, 19 (except the Stratford Game Reserve), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 (SE 1/4), 31, 32, 33, 34, and 35).

T24N R28EWM:

Section 35.

T24N R29EWM:

Sections 31 and 32 (W 1/2).

A map of PLWMA 201 is available from WDFW's Region 2 office in Ephrata, (509) 754-4624.

PLWMA 401 - Rainier Timber Company (Pierce County):**Kapowsin North:**

T19N R06E all of section 24; section 12 SWSE; section 13 except private holdings in W 1/2; section 14 N of S Prairie Ck except NW and except private holdings in SW; section 25 N of S Prairie Ck;

T19N R07E all of sections 14, 15, 18, 19, 20, 21, 22, 27, 28, 29; sections 6, 7, 8, 10, 11 S of White River except private holdings; section 9 E 1/2 S of White River except private holdings; except private holdings section 16 except NWNW and NWNENW; section 17 S of White River except N 1/2 NE; section 30 E 1/2 N of S Prairie Ck; sections 31, 32 N of S Prairie Ck; section 33 except S 1/2 SWSE; section 34 W 1/2;

T18N R07E section 3 N of E Fork S Prairie Ck; section 5 E 1/2 N of S Prairie Ck;

Kapowsin Central:

T19N R05E section 34 SE S of Patterson Road;

T19N R06E section 32 S of Carbon River;

T18N R05E all of sections 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, 36; section 1 E 1/2 except SWSE and W 1/2 SESE; section 2 S 1/2 except private holdings in SE; section 3 N of Coplar Ck except NWNW; section 9 SE except SWSE; section 10 except NW and E 1/2 SW; section 15

except private holdings in SW; section 16 except W 1/2 NW and except private holdings in E 1/2 NW; section 21 NE and E 1/2 SE and NENW; section 28 E 1/2 and S 1/2 SW; section 29 N of Puyallup River except private holdings in E 1/2 and NW; section 32 N of Puyallup River or E of I Road; section 33 except private holdings in S 1/2 of S 1/2;

T18N R06E all of sections 7, 8, 17, 18, 19, 20, 29, 30, 32; sections 4, 5, 9 S of Carbon River; section 6 except private holdings in SWSW; section 16 W 1/2; section 21 W 1/2; section 28 except E 1/2 of E 1/2; section 31 except private holdings in NWNW; section 33, 34 S of Highway 165;

T17N R05E all of sections 1, 2; sections 3, 10, 11, 12 N of Puyallup River;

T17N R06E all of sections 3, 4, 5, 6, 8, 9, 10, 15, 16, 22, 23, 24, 25, 26, 27, 35, 36; sections 2, 11, 13, 14 S of Highway 165; sections 7, 17, 18, 20, 21, 28, 33, 34 N of Puyallup River;

T17N R07E sections 32, 33; section 29 except N 1/2 of N 1/2;

T16N R06E all of section 1; sections 2, 3, 11, 12 N of Puyallup River;

T16N R07E all of sections 4, 5, 6, 7, 8, 16; sections 17, 18, 20, 21, 33 N of S Fork Puyallup River; section 28 N of S Fork Puyallup River except E 1/2 NE;

Kapowsin South:

T17N R04E all of section 36; sections 23, 24 E of Ohop Creek except private holdings; section 25 N 1/2 except private holdings; section 26 NE E of Ohop Creek except private holdings; section 35 E of Orville Road and E of Ohop Lake;

T17N R05E all of sections 9, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36; section 3 SWSW except private holdings; section 4 SW and SWNW except private holdings; section 5 S of Kapowsin Lake except NENE and except private holdings in S 1/2 sections 7, 18 S of Kapowsin Lake; section 8 except private holdings in N 1/2 section 10 except private holdings in N 1/2; section 11 SW S of Flume and S 1/2 SE S of Flume; section 13 S of Flume except NENE; section 19 except SWSW; sections 20 except private holdings in NE; section 21 except private holdings in NW; section 30 except W 1/2 NW and NWSW;

T17N R06E all of sections 19, 30, 32; section 18 SW S of Flume; section 20 S of Flume except private holdings in N 1/2; section 29 S of Flume except N 1/2 SE and SWNE; section 31 except W 1/2 NE; section 33 S of Flume except private holdings;

T16N R05E section 2 NW; section 6 N 1/2 except private holdings; section 36 E of Busywild Creek;

T16N R06E all of sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36; sections 2, 11, 12 S of Puyallup River; section 3 except private holdings in NW;

T16N R07E all of sections 19, 30, 31; sections 17, 18, 20, 21, 28, 33 S of S Fork Puyallup River;

T15N R06E all of sections 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 22; sections 6, 8, 9, 10 N of Busywild Creek; section 23 except SW; section 24 except E 1/2 SE.

PLWMA 600 - Merrill and Ring (Clallam County):

Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, south along Deep Creek to the township line between Townships 30 and 31, west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SW 1/4, NW 1/4 north of the Pysht River, SE 1/4 NW 1/4, south of the Pysht River, SE 1/4 NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, Except All Section 36, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

PLWMA 600A North - Merrill and Ring North: That portion of PLWMA 600 north of Highway 112.

PLWMA 600B South - Merrill and Ring South: That portion of PLWMA 600 south of Highway 112.

[Statutory Authority: RCW 77.12.047. 05-02-046 (Order 04-327), § 232-28-271, filed 1/3/05, effective 2/3/05; 04-03-026 (Order 03-321), § 232-28-271, filed 1/13/04, effective 2/13/04; 03-03-016 (Order 03-03), § 232-28-271, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-02-062 (Order 01-283), § 232-28-271, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.04.012. 01-04-037 (Order 00-254), § 232-28-271, filed 1/31/01, effective 3/3/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-271, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-271, filed 5/5/99, effective 6/5/99; 99-01-138 (Order 98-249), § 232-28-271, filed 12/22/98, effective 1/22/99; 98-10-009 (Order 98-56), § 232-28-271, filed 4/22/98, effective 5/23/98; 98-01-206 (Order 97-248), § 232-28-271, filed 12/23/97, effective 1/23/98.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-28-273 2005 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

2005 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with disabilities hunt, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon Restrictions: Permit holders may use any legal weapon.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2005 Permits
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	Any Moose	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Moose	20
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Any Moose	10
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	12
Mt. Spokane Youth Only ^a	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	8
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Moose	22
49 Degrees North B ^b	Oct. 1-Nov. 30	GMU 117	Antlerless Only	3
Three Forks	Oct. 1-Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1-Nov. 30	GMU 127, 130	Any Moose	5
Hangman B	Oct. 1-Nov. 30	GMU 127, 130	Antlerless Only	3
Huckleberry Range	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	Any Moose	6

^aApplicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

2005 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2005 Permits
Vulcan Mountain	Sept. 15-Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Umtanum/Selah Butte A	Sept. 15-Oct. 2	Sheep Unit 4 and 5	Any Legal Weapon	4
Umtanum/Selah Butte B	Nov. 7-30	Sheep Unit 4 and 5	Any Legal Weapon	3
Cleman Mountain A	Sept. 15-Oct. 2	Sheep Unit 7	Any Legal Weapon	5
Cleman Mountain B	Nov. 7-30	Sheep Unit 7	Any Legal Weapon	4
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. 2	Sheep Unit 13	Any Legal Weapon	3
Quilomene B	Nov. 7-30	Sheep Unit 13	Any Legal Weapon	2
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Tieton	Sept. 15-Oct. 10	Sheep Unit 15	Any Legal Weapon	2
Manson	Nov. 7-30	Sheep Unit 16	Any Legal Weapon	2

Mountain (Bighorn) Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the

Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: GMU 243.

2005 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2005 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass/Corral Pass	Sept. 15-Oct. 31	Goat Unit 3-6, 4-38	Any Legal Weapon	2
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	2
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	0
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	1
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	6

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake

Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road

5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: GMU 356; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

[Statutory Authority: RCW 77.12.047. 05-11-022 (Order 05-89), § 232-28-273, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-273, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-273, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-273, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-273, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-273, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-273, filed 5/5/99, effective 6/5/99; 98-10-005 (Order 98-58), § 232-28-273, filed 4/22/98, effective 5/23/98.]

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31, 2004
 Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
 Weapon: Any legal weapon.
 Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31
 Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31, 2005

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

Hunting season dates: September 1 - December 31, 2006 and thereafter

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31, 2005

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

Hunting season dates: September 1 - October 31, 2006 and thereafter

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2004.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2005.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2006 and thereafter.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31, 2005.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain) or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31, 2006 and thereafter.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT

Hunting season dates: 2005 and thereafter, September 1 - October 31

Hunt Area: GMUs 166, 169, 181, 186.

Weapon: Hunter may use any legal weapon.

Bag limit: One bighorn ram

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

Hunt areas, permits and season dates:

Hunt name	Hunt area	2005 Permits	2005 Season dates
Capitol Forest	That portion of Capitol Forest within GMU 663	100	April 15 - June 15
Kapowsin (All)	PLWMA 401 in GMU 653 and 654	100	April 15 - June 15

Bag limit: One black bear per black bear special permit season.

Hunting method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Submitting bear teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

[Statutory Authority: RCW 77.12.047. 05-02-046 (Order 04-327), § 232-28-284, filed 1/3/05, effective 2/3/05.]

WAC 232-28-285 2005-2006 Pilot cougar hunting seasons with the aid of dogs. As used in this section and in the context of pilot cougar hunting seasons, the following definitions apply:

"Accompany" means the dog handler and permit hunter must be in the physical presence of each other at the time dogs are released from a leash or unrestrained.

"Pursue" or "pursuit" means dogs that are not on a leash or restrained, are in the act of tracking a cougar. Transporting

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

[Statutory Authority: RCW 77.12.047. 05-11-022 (Order 05-89), § 232-28-282, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-282, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-282, filed 8/5/03, effective 9/5/03; 03-03-016 (Order 03-03), § 232-28-282, filed 1/7/03, effective 2/7/03; 02-15-019 (Order 02-135), § 232-28-282, filed 7/8/02, effective 1/1/03.]

WAC 232-28-284 2005 Spring black bear damage seasons and regulations. Spring black bear hunting seasons under this section constitute a three-year pilot program to reduce black bear damage to trees.

Who may apply: Anyone with a valid Washington big game license, which includes black bear.

dogs in a motorized vehicle or walking a dog on a leash is not a pursuit.

"Dog owner" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

"Quota" means the targeted harvest goal. The actual harvest level may exceed the quota.

"Kill permit" allows a hunter to pursue or kill cougar.

"Pursuit permit" allows a hunter to pursue cougar.

(1) The pilot cougar-hunting season will allow use of dogs to hunt cougar. The hunts will consist of pursuit-or-kill seasons and pursuit-only seasons, and are allowed only in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties.

(2) Pursuit-or-kill seasons:

Cougar may be pursued or killed with the aid of dogs from December 1, 2005, until the female zone quota has been killed, the total zone quota has been killed, or March 31, 2006, whichever occurs first; EXCEPT GMUs 101 and 204 where cougar may be pursued or killed from January 1, 2006, until the female zone quota has been killed, the total zone quota has been killed, or March 31, 2006, whichever occurs first.

(3) Pursuit-only seasons:

(a) If a zone quota is killed prior to March 31, 2006, cougar may be pursued with dogs in all or portions of that zone until March 31, 2006. Hunters may only pursue cougars in designated pursuit only areas identified on their kill or pursuit-only permit. Hunters may not kill cougar during pursuit-only seasons.

(b) Hunters selected for the pursuit-or-kill season (accompanied by up to three of their identified handlers) may participate in a pursuit-only season. Permit hunters that harvest a cougar under a kill permit may continue to pursue cougars until March 31. If a zone quota is killed, the department will also issue pursuit-only permit to hunters drawn at random from the unselected pool of applicants. The director will identify the number of pursuit-only hunters selected.

(4) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where permit hunters using dogs may hunt and kill cougar until the allotted numbers of cougar have been killed from each hunt zone or March 31, 2006, whichever occurs first.

(a) Kill quotas start September 1 and will include all cougar killed during seasons with and without the aid of dogs, including cougar seasons under this section, cougar seasons without the aid of dogs authorized under WAC 232-28-272, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area Description	DRAFT QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	28	11
	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	10	4
Northeastern	9003	Ferry-Okanogan	GMUs 101, 204	26	10
	9004	Stevens-Pend Oreille	Those portions of GMUs 105, 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	38	15

(5) Quota hotline:

Permit hunters participating in a pursuit-or-kill season must call the toll free cougar quota hotline within twenty-four hours prior to each day hunting cougar to determine if the zone quota has been killed and the zone is closed. Hunters who hunt more than one consecutive day must call the quota hotline once daily to determine if the zone quota is killed. Hunters who harvest a cougar with the aid of dogs must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar, with proof of sex naturally attached, must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull in such a manner that teeth and biological samples can be extracted to an authorized department employee at the time of sealing.

(6) Kill or pursuit-only permit eligibility:

(a) To apply for a kill or pursuit-only permit under this section, individuals must sign an affidavit provided by the department, certifying under penalty of false swearing under RCW 9A.72.040 that they are a dog owner. The affidavit must be mailed to WDFW by the date and time identified by the director. Individuals not registered as a dog owner will not be issued a permit.

(b) To apply for a kill or pursuit-only permit under this section, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by a date and time identified by the director.

(c) To be eligible for a permit, the participant must be a Washington resident who at the time of application for a permit possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a cougar hunt under this section.

(d) A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.245 within the five-year period prior to December 1, 2004. Any person issued a permit and who is subsequently convicted of any wildlife offense while participating in a pursuit-or-kill or pursuit-only season, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the three-year pilot program.

(7) Permit issuance procedure:

(a) The number of kill permits for a pursuit-or-kill season with the aid of dogs may be established by the director, but will not exceed two times the total cougar quota for each hunt zone.

(b) The department will issue kill or pursuit-only permits to the persons whose applications are drawn at random. Individuals selected will be notified by telephone or mail. Individuals selected must return the signed affidavit to the department's wildlife program in Olympia within fifteen days of being notified. Failure to return the completed affidavit to the department will result in forfeit of the permit. Kill and pursuit-only permits may not be sold or reassigned.

(c) If a female zone quota or total zone quota is not killed in a hunt zone by January 15 (or sooner as identified by the

director), then the department will issue kill permits to additional hunters. Hunters will be drawn at random from the unselected pool of applicants and must be a resident of one of the five counties.

(8) Qualifications for participation and requirements:

In addition to the provisions applicable to all cougar hunters:

(a) Successful applicants must complete a training program prior to participating in a pursuit-or-kill season or pursuit-only season with the aid of dogs.

(b) Participants must have their permit issued by the department in their possession while hunting cougar.

(c) Individuals selected for a kill permit may kill and possess two cougar per permit and only the permittee may kill the cougar(s). However, a kill permit holder may not kill a second cougar in a hunt zone until January 15 (or sooner as identified by the director).

(d) Individuals selected for a cougar kill or pursuit-only permit may use dog handlers. However, no more than three handlers may accompany the permittee while hunting or pursuing cougar. Dog handlers may not pursue cougar when the permit hunter is not present at the time the dogs are released from a leash or unrestrained. Dog handlers must have a dog handler identification card, issued by the department, in their possession while participating in a pursuit-or-kill season or pursuit-only season.

(e) Dog handlers must be a Washington resident and possess a valid hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the department. The vehicle placard must be placed in the permittee's and dog handler's vehicles and be visible from outside the vehicles at all times while hunting or pursuing cougar.

(h) Kill and pursuit-only permit hunters are required to maintain and return to the department a pilot cougar hunting season logbook. At the end of each day hunting cougar, the permit hunters must record their hunting activities, including that of their dog handlers, in their logbook. If requested by department staff, permit hunters must provide the logbook for inspection. Logbooks must be mailed to the department at WDFW-Pilot Cougar Hunt, 600 Capitol Way North, Olympia, WA 98501-1091 by April 10, 2006. A violation of this requirement under this subsection is punishable as an infraction under RCW 77.15.160.

(9) The permit belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047, 05-17-098 (Order 05-174), § 232-28-285, filed 8/15/05, effective 9/15/05; 04-21-036 (Order 04-284), § 232-28-285, filed 10/14/04, effective 11/14/04.]

WAC 232-28-291 Special hunting season permits.

The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications:

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 2.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 2.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the department of fish and wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

7. Second deer or elk tag: Second deer or elk tags may be offered under the special hunting season permit application process. Successful applicants under this section may purchase an appropriate second transport tag. The legal bag limit restrictions for second tags will be listed in the respective deer or elk hunting season WACs. Purchase deadline restrictions for second deer or elk tags will be listed in the respective deer or elk hunting season WACs.

[Statutory Authority: RCW 77.12.047, 05-02-046 (Order 04-327), § 232-28-291, filed 1/3/05, effective 2/3/05; 03-16-087 (Order 03-175), § 232-28-291, filed 8/5/03, effective 9/5/03; 03-13-047 (Order 03-129), § 232-28-291, filed 6/12/03, effective 7/13/03; 03-02-005 (Order 02-301), § 232-28-291, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-291, filed 4/26/01, effective 5/27/01.]

WAC 232-28-299 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag acquired, by January 31.

(b) Reports must be made using the department's designated automated telephone hunter reporting system (toll free) or internet hunter reporting system.

(c) Any hunter not reporting, for each tag acquired, by January 31 will be in noncompliance of reporting requirements.

(d) Compliance will be credited for each species for which a transport tag is acquired.

(2) As an incentive for prompt reporting, all successful hunters who report harvest within 10 days of killing an animal and unsuccessful hunters who report by midnight January 10 or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag acquired.

(3) Hunters who have not reported hunting activity by January 31 for deer, elk, bear, or turkey tags acquired the previous year will be required to pay a \$10 penalty before a new license that includes deer, elk, bear, or turkey tags will be issued. A hunter may only be penalized a maximum of \$10 during a license year.

[Statutory Authority: RCW 77.12.047, 05-17-098 (Order 05-174), § 232-28-299, filed 8/15/05, effective 9/15/05; 02-15-018 (Order 02-129), § 232-28-299, filed 7/8/02, effective 8/8/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-299, filed 4/26/01, effective 5/27/01.]

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties):

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewett Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties):

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd

14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colocum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colocum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umtanum Rd; S up Umtanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest

Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest

Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation bound-

ary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372 RATTLESNAKE HILLS (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning.

GMU 373-HORSE HEAVEN (Benton and Yakima counties):

Beginning at the mouth of the Yakima River and Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between

Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; E along the Yakima River the point of beginning.

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLINKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

[Statutory Authority: RCW 77.12.047, 05-11-024 (Order 05-90), § 232-28-333, filed 5/10/05, effective 6/10/05; 05-02-046 (Order 04-327), § 232-28-333, filed 1/3/05, effective 2/3/05; 03-16-087 (Order 03-175), § 232-28-333, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-333, filed 3/5/03, effective 4/5/03.]

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Main-

line; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to

US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US

Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the

north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties):

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to

Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of

Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset

Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the

town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian

Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

[Statutory Authority: RCW 77.12.047. 05-11-022 (Order 05-89), § 232-28-335, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-335, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-335, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-335, filed 3/5/03, effective 4/5/03.]

WAC 232-28-337 Deer and elk area descriptions.

ELK AREAS

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1013 (Asotin County): GMU 172, excluding National Forest lands.

Elk Area No. 1014 (Columbia-Garfield counties): That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the

section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

Elk Area No. 3028 Cooke Creek (Kittitas County): Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

Elk Area No. 3068 Klickitat Meadows (Yakima County): Beginning at Reservation Creek and South Fork Ahtanum Creek; west along Reservation Creek to the high point on the ridge above its headwaters; northwest to Spenser Point (as represented on the Mt. Adams DNR 100K map); northeast

from Spenser Point to USFS Trail 1136; north along USFS Trail 1136 to USFS Road 615 to Darland Mt.; southeast along crest of main divide between Diamond Fork and Middle Fork Ahtanum Creek drainage to headwaters of South Fork Ahtanum Creek; east along South Fork Ahtanum Creek to Reservation Creek and point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; north along the HRNM western boundary to SR 24; continue north along the HRNM western boundary to the Columbia River; east along Columbia River (Yakima-Grant, Grant-Benton Co. lines) to Vernita Bridge on SR 24; east and south down Benton County side of Columbia River, following ordinary high water mark of shoreline, to mouth of Yakima River; west along Yakima River (upstream) to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River (Yakima-Grant, Grant-Benton Co. lines) to Vernita Bridge on SR 24; east and south down Benton County side of Columbia River, following ordinary high water mark of shoreline, to mouth of Yakima River; west along Yakima River (upstream) to southeast corner of the WDFW Rattlesnake Slope Wildlife Area; west along the southern boundary of the Rattlesnake Wildlife Area to the southern boundary of the Arid Lands Ecology Reserve (ALE); west along the ALE southern boundary to SR 241; south on SR 241 to the Yakima River Bridge; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Parke Creek Road; north on Parke Creek Road to Whiskey Jim Road; east on Whiskey Jim Road to Beacon Ridge Road; south on Beacon Ridge Road to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary;

south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Ump-taneum Road; north on Ump-taneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

Elk Area No. 3944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

Elk Area No. 4041 Grandy Creek (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road; west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 4941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 5055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 5056 Grays River Valley (Wahkiakum County): On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4

and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties): All lands within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to the junction with Wishkah-East Hoquiam Road.

Elk Area No. 6054 Puyallup River (Pierce County): That part of GMU 654 south of the Puyallup River.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-

Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower power line; southwest along the power line to Big Hanaford Road; east and south along Big Hanaford Road to Weyerhaeuser Road E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to Weyerhaeuser Road E240; south on Weyerhaeuser Road E240 to North Fork Road; south on North Fork Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Salzer Valley Road and the point of beginning.

Elk Area No. 6071 Dungeness (Clallam County): Beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycomelately Creek on Sequim Bay; south and west up Jimmycomelately Creek to Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo Alto Road to US Forest Service Road 2880; southwest on US Forest Service Road 2880 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

DEER AREAS

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1020 Prescott (Columbia and Garfield counties): That portion of GMU 149 between Hwy 261 and Hwy 127.

Deer Area No. 1030 Flat Creek (Stevens County): That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

Deer Area No. 1040 Summit Lake (Stevens County): That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

Deer Area No. 2010 Benge (Adams County): That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road to Beckley Road; north on Beckley Road to Benge-Winona Road; west on Benge-Winona Road to Benge and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3081 (Franklin County): That part of GMU 381 that is west of Highways 395 and 17.

Deer Area No. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 5051 Fisher Island (Cowlitz County): The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

[Statutory Authority: RCW 77.12.047. 05-11-023 (Order 05-84), § 232-28-337, filed 5/10/05, effective 5/15/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-337, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-337, filed 6/12/03, effective 7/13/03.]

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245,

and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003; Oct. 23 - Dec. 31, 2004; Oct. 22, 2005 - Jan. 16, 2006.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Colville Indian Reservation: The 2003-04, 2004-05, 2005-06 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

WESTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation Area Site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004; Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

(1) Full Season Option: Allows the harvest of eight (8) pheasants.

(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.

(3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 10-11, 2004; April 9-10, 2005; April 8-9, 2006.

Spring Season:

Gobblers and turkeys with visible beards only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either sex.

Open to all hunters with a valid turkey tag: GMUs 105-124. Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30 and Oct. 8 - Oct. 14, 2005.

Permit Only: GMUs 101, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Area	Number of Permits
GMU 101	250
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

Hunter Education Instructor Incentive Permits				
– Special turkey permits will be allocated through a random drawing to those hunter education instructors that qualify.				
– Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.				
– Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.				
Area	Dates	Restrictions	GMUs	Permits
Statewide	April 1 - May 31	Gobblers and turkeys with visible beards only	All GMUs statewide	2

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:
 Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Fall Season Bag and Possession Limit: One (1) turkey during the fall hunting season.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunt-

ing migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 4 band-tailed pigeons.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-
TAILED PIGEONS.**

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005.

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006.

FALCONRY SEASONS**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

MOURNING DOVE - FALCONRY

Daily Bag Limit: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag Limit: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

[Statutory Authority: RCW 77.12.047. 05-11-022 (Order 05-89), § 232-28-341, filed 5/10/05, effective 6/10/05; 04-21-036 (Order 04-284), § 232-28-341, filed 10/14/04, effective 11/14/04. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-341, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-341, filed 8/5/03, effective 9/5/03; 03-13-047 (Order 03-129), § 232-28-341, filed 6/12/03, effective 7/13/03.]

WAC 232-28-351 2003-2005 Deer general seasons and special permits.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by Fish and Wildlife Commission rule.

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Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point minimum GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; whitetail deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit and/or written permission from the landowner.

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail buck
				203 through 247, and 249 through 251	Any whitetail buck
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186	Whitetail, 3 pt. min.
				248, 254 through 381 except closed in GMUs 290, 329, 371	Any whitetail buck
				Deer Area 3081	Any white-tailed deer
Eastern Washing-ton Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	All 100 and 300 series GMUs, 248, and 254 through 284, except closed in GMUs 157, 329, and 371	3 pt. min.
				Deer Area 3081	Any mule deer
	Oct. 11-24	Oct. 16-29	Oct. 15-28	203 through 247 and 249 through 251	Mule deer, 3 pt. min.
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 13-16	Nov. 18-21	Nov. 17-20	407, 410, 454, 466, and 500, and 600 series GMUs except closed in GMUs 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 3-19	Nov. 8-19	Nov. 7-19	105 through 124 127-142	Any whitetail buck Whitetail, 3 pt. min.
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 25-Nov. 2	Oct. 30-Nov. 7	Oct. 29-Nov. 6	105 through 124	Whitetail, antlerless only
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail deer
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 142, 145 through 154, 162, 163, and 172 through 181	Whitetail, 3 pt. min. or antlerless
Eastern Washing-ton Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	142	Mule deer, 3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only
Eastern Washing-ton Mule Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMU 142	Mule deer, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 564, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs 460, 503, 506, 530, 550, 568, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 243, 244, 246, 247, 249, 250, 260, 262	3 pt. min.
				142 through 154, and 162 through 186, 245, 251, 328, 334 through 340, 346 through 368, 372	3 pt. min. or antlerless
	Sept. 1-15	Sept. 1-15	Sept. 1-15	381	Any mule deer
				101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
	Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless
Eastern Washing- ton Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284, 381	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	437, 588, 654	2 pt. min. or antlerless
	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	636, 681	2 pt. min. or antlerless
				558	2 pt. min.
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, and 699	Any deer, except buck only in GMUs 460, 506, 530
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	209, 215, 233, 243, 250	3 pt. min.
				145, 163, 178	3 pt. min. or antlerless
				272, 278, 346, 352, 364, 368	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any whitetail deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
				204, 209, 215, 233, 243, 250, 272, 278	Any whitetail deer

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 278, 284	Whitetail, any buck
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min. or antlerless
				101, 108, 111, 117, 121, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	101, 108, 111, 117, 121, 124, 133, 204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 278, 284, 328, 330 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.
				142, 145, 149, 181, 381	Mule deer, 3 pt. min. or antlerless
Late Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	407, 410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
				460, 550, 602	Any buck
	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	578	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	113	Whitetail, any deer
				130, 139, 172, 181	Whitetail, 3 pt. min. or antlerless

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	381, 382	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, Deer Area 3081	3 pt. min. or antlerless

FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS**License Required:** Hunting license.**Tag Required:** Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.**Hunting Method:** Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	410, Vashon and Maury Islands	Any deer
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 13	Nov. 23 - Dec. 31	564	Any deer

SPECIAL DEER PERMIT HUNTING SEASONS**(Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	2005 Permit Season	Special Restrictions	Boundary Description	2005 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. 15-28	Whitetail, antlerless	GMU 101	75
Kelly Hill	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 105	150
Douglas	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 108	300
Aladdin	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 111	75
Selkirk	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 117	250
Huckleberry A	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 121	600
Mt. Spokane A	Oct. 15-28 & Nov. 7-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. 15-23	Whitetail, antlerless	GMU 127	200
Cheney A	Oct. 15-23	Antlerless	GMU 130	200
Roosevelt	Oct. 15-23	Antlerless	GMU 133	400
Harrington	Oct. 15-23	Antlerless	GMU 136	125
Steptoe	Oct. 15-23 & Nov. 7-19	Antlerless	GMU 139	300
Almota A	Oct. 15-23 & Nov. 7-19	Antlerless	GMU 142	100
Mayview	Nov. 1-14	Antlerless	GMU 145	100
Prescott A	Nov. 1-14	Antlerless	GMU 149	50
Prescott B	Nov. 1-14	Antlerless	Deer Area 1020	50
Blue Creek	Nov. 7-19	Whitetail, antlerless	GMU 154	150
Dayton A	Nov. 7-19	Whitetail, antlerless	GMU 162	250
Dayton B	Nov. 7-19	Antlerless	Deer Area 1010	75
Marengo A	Nov. 1-14	Whitetail, antlerless	GMU 163	150
Marengo B	Nov. 1-14	Antlerless	GMU 163	40
Peola	Nov. 1-14	Antlerless	GMU 178	50
Blue Mtns. Foothills A	Nov. 7-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. 7-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. 1-14	Antlerless	GMU 181	50
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	100
West Okanogan	Nov. 1-18	Any whitetail	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Nov. 1-18	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any deer	GMU 218	5
Pearrygin A	Nov. 1-18	Any deer	GMU 224	10
Gardner A	Nov. 1-18	Any deer	GMU 231	5
Pogue A	Nov. 1-18	Any deer	GMU 233	5
Chiliwist A	Nov. 1-18	Any deer	GMU 239	5
Alta A	Nov. 1-18	Any deer	GMU 242	5
Manson	Nov. 1-18	Any deer	GMU 243	5
Chiwawa A	Nov. 1-18	Any deer	GMU 245	30
Slide Ridge A	Nov. 1-18	Any deer	GMU 246	15
Entiat A	Nov. 1-18	Any deer	GMU 247	40
Big Bend A	Nov. 1-18	Antlerless	GMU 248	50
Swakane A	Nov. 1-18	Any deer	GMU 250	35
Mission A	Nov. 1-18	Any deer	GMU 251	20
Mission B	Oct. 15-28	Antlerless	GMU 251	125
St. Andrews	Oct. 15-23	Antlerless	GMU 254	75
Foster Creek A	Oct. 15-23	Antlerless	GMU 260	75

Hunt Name	2005 Permit Season	Special Restrictions	Boundary Description	2005 Permits
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	75
Withrow A	Oct. 15-23	Antlerless	GMU 262	50
Badger	Nov. 1-18	Antlerless	GMU 266	50
Ritzville A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	20
Desert A	Nov. 1-15	Any deer	GMU 290	15
Desert B	Dec. 1-7	Antlerless	GMU 290	50
Naneum	Oct. 15-23	Antlerless	GMU 328	200
Quilomene A	Nov. 7-20	Any buck	GMU 329	74
Teanaway A	Oct. 15-23	Antlerless	GMU 335	200
Taneum	Oct. 15-23	Antlerless	GMU 336	150
Nile A	Oct. 15-23	Antlerless	GMU 352	20
Bethel A	Nov. 7-20	Any buck	GMU 360	10
Cowiche A	Oct. 15-23	Antlerless	GMU 368	50
Cowiche B	Nov. 7-19	Any buck	GMU 368	15
Alkali A	Nov. 19-27	Any buck	GMU 371	74
Alkali B	Nov. 19-27	Antlerless	GMU 371	80
Whitcomb A	Sept. 18-24	Antlerless	Deer Area 3071	5
Paterson A	Sept. 18-24	Antlerless	Deer Area 3072	5
East Klickitat A	Oct. 15-23	3 pt. min. or antlerless	GMU 382	40
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	2 pt. min.	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	Oct. 29 - Nov. 4	Any buck	GMU 485	10
Lincoln A	Oct. 15-31	Any deer	GMU 501	40
Stella A	Oct. 15-31	Any deer	GMU 504	35
Mossyrock A	Oct. 15-31	Any deer	GMU 505	85
Stormking A	Oct. 15-31	Any deer	GMU 510	30
South Rainier A	Oct. 15-31	Any deer	GMU 513	30
Packwood A	Oct. 15-31	Any deer	GMU 516	50
Winston A	Oct. 15-31	Any deer	GMU 520	50
Yale A	Oct. 15-31	Any deer	GMU 554	15
Toutle A	Oct. 15-31	Any deer	GMU 556	25
Marble A	Oct. 15-31	2 pt. min. or antlerless	GMU 558	20
Lewis River A	Oct. 15-31	Any deer	GMU 560	35
Siouxon A	Oct. 15-31	Any deer	GMU 572	35
Wind River A	Oct. 15-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. 17-20	2 pt. min.	GMU 574	35
West Klickitat A	Oct. 15-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. 17-20	2 pt. min.	GMU 578	45
Grayback A	Oct. 15-31	2 pt. min. or antlerless	GMU 588	55
Grayback B	Nov. 17-20	2 pt. min.	GMU 588	65
Pysht	Oct. 15-31	Any deer	GMU 603	15
Olympic	Oct. 15-31	Any deer	GMU 621	35
Kitsap	Oct. 15-31	Any deer	GMU 627	20
Wynoochee A	Oct. 15-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
North River A	Oct. 15-31	Any deer	GMU 658	70
Minot Peak	Oct. 15-31	Any deer	GMU 660	70
Capitol Peak A	Oct. 15-31	Any deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. 15-31	Any deer	GMU 666	80
Skookumchuck A	Oct. 15-31	Any deer	GMU 667	160
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Green Bluff	Dec. 10-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Nov. 19-27	Any deer	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	100
Moses Coulee A	Nov. 1-18	Any deer	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	20
Benge A	Dec. 1-15	Antlerless	Deer Area 2010	20
Lakeview A	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. 25-31	Any deer	GMU 290	4
Quilomene B	Oct. 1-7	Any buck	GMU 329	11
Teanaway B	Oct. 1-7	Antlerless	GMU 335	100
Manastash	Oct. 1-7	Antlerless	GMU 340	90
Cowiche C	Oct. 1-7	Antlerless	GMU 368	50
Alkali C	Dec. 3-10	Any buck	GMU 371	11
Alkali D	Dec. 3-10	Antlerless	GMU 371	15

Hunt Name	2005 Permit Season	Special Restrictions	Boundary Description	2005 Permits
Esquatzel A	Nov. 20 - Dec. 8	Any deer	GMU 381	100
East Klickitat B	Nov. 22-30	3 pt. min or antlerless	GMU 382	5
West Klickitat B	Nov. 24 - Dec. 8	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. 1-7	Any deer	GMU 505	10
Stormking B	Oct. 1-7	Any deer	GMU 510	5
South Rainier B	Oct. 1-7	Any deer	GMU 513	5
Packwood B	Oct. 1-7	Any deer	GMU 516	5
Winston B	Oct. 1-7	Any deer	GMU 520	5
Yale B	Oct. 1-7	Any deer	GMU 554	2
Toutle B	Oct. 1-7	Any deer	GMU 556	3
Marble B	Oct. 1-7	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. 1-7	Any deer	GMU 560	5
Siouxon B	Oct. 1-7	Any deer	GMU 572	5
Wind River C	Oct. 1-7	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. 1-7	2 pt. min. or antlerless	GMU 588	15
North River B	Oct. 1-7	Any deer	GMU 658	5
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Chiwawa C	Dec. 1-12	Any deer	GMU 245	10
Entiat B	Nov. 20-29	Any deer	GMU 247	145
Entiat C	Nov. 30 - Dec. 8	Any deer	GMU 247	135
Big Bend B	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 16-30	Any deer	GMU 290	21
Quilomene C	Nov. 21 - Dec. 4	Any deer	GMU 329	76
Alkali E	Dec. 11-25	Any deer	GMU 371	73
Washougal A	Sept. 16-30	Any deer	GMU 568	30
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Blue Mtns. Foothills D	Oct. 15-23	Antlerless	GMUs 145, 149	75
East Okanogan B	Oct. 15-28	Antlerless	GMU 204	15
Wannacut B	Oct. 15-28	Antlerless	GMU 209	5
Sinlahekin C	Oct. 15-28	Antlerless	GMU 215	5
Chewuch B	Oct. 15-28	Antlerless	GMU 218	5
Pearrygin B	Oct. 15-28	Antlerless	GMU 224	15
Gardner B	Oct. 15-28	Antlerless	GMU 231	15
Pogue B	Oct. 15-28	Antlerless	GMU 233	15
Chiliwist B	Oct. 15-28	Antlerless	GMU 239	5
Alta B	Oct. 15-28	Antlerless	GMU 242	5
Mission C	Oct. 15-28	Any deer	GMU 251	5
Bridgeport A	Oct. 15-23	Antlerless	GMUs 248, 260	10
Palisades A	Oct. 15-23	Antlerless	GMUs 266, 269	10
Quilomene D	Nov. 7-20	Antlerless	GMU 329	20
Manastash	Oct. 15-23	Antlerless	GMU 340	50
Umtanum A	Nov. 7-20	Antlerless	GMU 342	20
Bethel B	Oct. 15-23	Antlerless	GMU 360	10
Kiona A	Oct. 15-23	Antlerless	GMU 372	15
Esquatzel B	Oct. 15-23	Antlerless	GMU 381	10
East Klickitat C	Oct. 15-23	3 pt. min. or antlerless	GMU 382	15
Lincoln B	Oct. 15-31	Any deer	GMU 501	5
Stella B	Oct. 15-31	Any deer	GMU 504	5
Mossyrock C	Oct. 15-31	Any deer	GMU 505	15
Stormking C	Oct. 15-31	Any deer	GMU 510	5
South Rainier C	Oct. 15-31	Any deer	GMU 513	5
Packwood C	Oct. 15-31	Any deer	GMU 516	5
Winston C	Oct. 15-31	Any deer	GMU 520	5
Yale C	Oct. 15-31	Any deer	GMU 554	5
Toutle C	Oct. 15-31	Any deer	GMU 556	10
Marble C	Oct. 15-31	2 pt. min. or antlerless	GMU 558	5
Lewis River C	Oct. 15-31	Any deer	GMU 560	5
Washougal B	Oct. 15-31	Any deer	GMU 568	10
Siouxon C	Oct. 15-31	Any deer	GMU 572	5
Wind River D	Oct. 15-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat C	Oct. 15-31	2 pt. min. or antlerless	GMU 578	5
Grayback D	Oct. 15-31	2 pt. min. or antlerless	GMU 588	10
Williams Creek	Oct. 15-31	Any deer	GMU 673	20
Copalis	Oct. 15-31	Any deer	GMU 642	20
North River C	Oct. 15-31	Any deer	GMU 658	10
Disabled Hunter Deer Permits				
East Okanogan C	Restricted to general, early season by tag choice	Antlerless	GMU 204	5
Wannacut C		Antlerless	GMU 209	5
Sinlahekin D		Antlerless	GMU 215	15
Chewuch C		Antlerless	GMU 218	15
Pearrygin C		Antlerless	GMU 224	5
Gardner C		Antlerless	GMU 231	5
Pogue C		Antlerless	GMU 233	5
Chiliwist C		Antlerless	GMU 239	15
Alta C		Antlerless	GMU 242	15

Hunt Name	2005 Permit Season	Special Restrictions	Boundary Description	2005 Permits	
Mission D	Oct. 15-28	Any deer	GMU 251	10	
Bridge Port B	Restricted to general, early season by tag choice	Any deer	GMUs 248, 260	5	
Palisades B		Any deer	GMUs 266, 269	5	
Quilomene E	Nov. 7-20	Antlerless	GMU 329	10	
Manastash C	Oct. 15-23	Antlerless	GMU 340	20	
Umtanum B	Nov. 8-21	Antlerless	GMU 342	10	
Nile B	Restricted to general, early season by tag choice	Antlerless	GMU 352	5	
Kiona B		Antlerless	GMU 372	10	
Esquatzel C		Antlerless	GMU 381	5	
East Klickitat D		3 pt. min. or antlerless	GMU 382	5	
Green River B	Oct. 29 - Nov. 4	Any deer	GMU 485	5	
Lincoln C	Restricted to general, early season by tag choice	Any deer	GMU 501	3	
Stella C		Any deer	GMU 504	3	
Mossyrock D		Any deer	GMU 505	5	
Stormking D		Any deer	GMU 510	3	
South Rainier D		Any deer	GMU 513	3	
Packwood D		Any deer	GMU 516	3	
Winston D		Any deer	GMU 520	3	
Yale D		Any deer	GMU 554	3	
Toutle D		Any deer	GMU 556	5	
Marble D		2 pt. min. or antlerless	GMU 558	2	
Lewis River D		Any deer	GMU 560	2	
Washougal C		Any deer	GMU 568	2	
Siouxon D		Any deer	GMU 572	3	
Wind River E		2 pt. min. or antlerless	GMU 574	1	
West Klickitat D		2 pt. min. or antlerless	GMU 578	3	
Grayback E		2 pt. min. or antlerless	GMU 588	10	
Capitol Peak C		Any deer	GMU 663	30	
Skookumchuck C		Any deer	GMU 667	30	
North River D		Any deer	GMU 658	5	
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)					
Modern Firearm					
Blue Mtns. Foothills E	Oct. 15-23	Antlerless	GMUs 149, 154, 162-163	75	
Blue Mtns. Foothills F	Oct. 15-23	Antlerless	GMUs 145, 172-181	75	
East Okanogan D	Oct. 15-28	Antlerless	GMU 204	70	
Wannacut D	Oct. 15-28	Antlerless	GMU 209	35	
Sinlahekin E	Oct. 15-28	Antlerless	GMU 215	75	
Chewuch D	Oct. 15-28	Antlerless	GMU 218	120	
Pearrygin D	Oct. 15-28	Antlerless	GMU 224	115	
Gardner D	Oct. 15-28	Antlerless	GMU 231	45	
Pogue D	Oct. 15-28	Antlerless	GMU 233	35	
Chiliwist D	Oct. 15-28	Antlerless	GMU 239	70	
Alta D	Oct. 15-28	Antlerless	GMU 242	80	
Mission E	Oct. 15-28	Antlerless	GMU 251	100	
Bridge Port C	Oct. 15-23	Any deer	GMUs 248, 260	100	
Palisades C	Oct. 15-23	Any deer	GMUs 266, 269	100	
Lakeview C	Oct. 15-23	Any deer	Deer Area 2011	10	
Wahluke A	Oct. 15-23	Any deer	GMU 278	50	
Benge B	Oct. 15-23	Antlerless	Deer Area 2010	20	
Quilomene F	Nov. 7-20	Antlerless	GMU 329	75	
Manastash D	Oct. 15-23	Antlerless	GMU 340	75	
Umtanum C	Nov. 7-20	Antlerless	GMU 342	75	
Cowiche D	Oct. 15-23	Antlerless	GMU 368	50	
Esquatzel D	Oct. 15-23	Antlerless	GMU 381	10	
Whitcomb B	Sept. 11-17	Antlerless	Deer Area 3071	5	
Paterson B	Sept. 11-17	Antlerless	Deer Area 3072	5	
East Klickitat E	Oct. 15-31	Any deer	GMU 382	20	
Lincoln D	Oct. 15-31	Any deer	GMU 501	10	
Stella D	Oct. 15-31	Any deer	GMU 504	10	
Mossyrock E	Oct. 15-31	Any deer	GMU 505	10	
Stormking E	Oct. 15-31	Any deer	GMU 510	10	
South Rainier E	Oct. 15-31	Any deer	GMU 513	10	
Packwood E	Oct. 15-31	Any deer	GMU 516	10	
Winston E	Oct. 15-31	Any deer	GMU 520	10	
Yale E	Oct. 15-31	Any deer	GMU 554	10	
Toutle E	Oct. 15-31	Any deer	GMU 556	60	
Marble E	Oct. 15-31	Any deer	GMU 558	10	
Lewis River E	Oct. 15-31	Any deer	GMU 560	10	
Washougal D	Oct. 15-31	Any deer	GMU 568	10	
Siouxon E	Oct. 15-31	Any deer	GMU 572	10	
Wind River F	Oct. 15-31	Any deer	GMU 574	15	
West Klickitat E	Oct. 15-31	Any deer	GMU 578	15	
Grayback F	Oct. 15-31	Any deer	GMU 588	20	
Satsop B	Oct. 15-31	Any deer	GMU 651	10	

Hunt Name	2005 Permit Season	Special Restrictions	Boundary Description	2005 Permits
Skookumchuck D	Oct. 9-31	Any deer	GMU 667	60
North River E	Oct. 15-31	Any deer	GMU 658	10
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Muzzleloader				
East Okanogan E	Oct 1-7	Antlerless	GMU 204	5
Wannacut E	Oct 1-7	Antlerless	GMU 209	5
Pogue E	Oct 1-7	Antlerless	GMU 233	5
Chiliwist E	Oct 1-7	Antlerless	GMU 239	5
Mission F	Oct 1-7	Any deer	GMU 251	20
Wahluke B	Oct 1-7	Any deer	GMU 278	50
Ritzville C	Oct 1-7	Antlerless	GMU 284	50
Special Deer Permits - Second Deer Tag				
These permits are only valid when a second license and tag is purchased.				
Hunt Name	Second Tag Season	Special Restrictions	Boundary Description	Permits
Huckleberry B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 121	300
Mt. Spokane B		Whitetail, antlerless	GMU 124	400
Almota B		Antlerless	GMU 142	200
Columbia		Whitetail, antlerless	Deer Area 1010, GMU 163	150
Islands		Antlerless	GMU 410	100
South Sound	Dec. 16-31	Antlerless	Vashon, Maury, and Anderson islands	125
Benge C		Antlerless	Deer Area 2010	20
Lakeview C		Antlerless	Deer Area 2011	20
These permits are only valid when a second license and tag is purchased.				
Mica Peak B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 127	100
Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used.				
Lakeview D	Dec. 9-31	Antlerless	Deer Area 2011	20

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify. Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit	Any white-tailed deer	Any 100 series GMU except GMU 157	2
Region 2		Any deer	GMUs 215 - 251	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335 - 368	1
Region 4		Any deer	Any 400 series GMU except GMU 485	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	2
Region 6		Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1

[Statutory Authority: RCW 77.12.047, 05-11-022 (Order 05-89), § 232-28-351, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020, 04-11-036 (Order 04-98), § 232-28-351, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047, 03-13-047 (Order 03-129), § 232-28-351, filed 6/12/03, effective 7/13/03.]

WAC 232-28-352 2003-2005 Elk general seasons and special permits.

Bag Limit: One (1) elk per hunter during the license year except where otherwise permitted by fish and wildlife commission rule.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not

branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but at least 2 antler points must be on the upper half of the main beam. All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of the beam. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 588, and Elk Area 4941.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 485, 522, 524, 556, 621, 636, and Elk Area 3068.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), and 490.

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), 490, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinalt) is open to AHE hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, 636, and PLWMAs 401 and 600.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any bull
		157, 371				Permit only
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Spike bull
		Elk Area 3722*	Sept. 2-15	Sept. 7-19	Sept. 17-30	Antlerless
		372	Oct. 6-19	Oct. 4-17	Oct. 29 - Nov. 6	Any Elk
		*GMU 372 and Elk Area 3722 are mainly private property, hunters are not advised to try hunting these areas without making prior arrangements for access.				
		101, 105, 108, 121 through 142, and 382	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any elk
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through 663, and 667 through 684. Except AHE master hunters only in Elk Area 6063	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min.
		501	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min. or antlerless
		564, 568, 574 through 588, 666	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any elk
		454	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any bull
		485, 522, 524, 556, 621, 636, Elk Area 6071, and PLWMAs 401 and 600				Permit only

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 149, 162, 163 through 172, 178 through 186, 328, 329, and 335	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull
		154, Elk Area 1010, Elk Area 1012, Elk Area 1013, 175, 330, 336, 340, 352, 356, 364	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, except for Elk Area 6071, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, 627, 633, 638 through 648, 651, 653, 658, and 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		178, 186	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		328, 335	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull
		336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area 6063 in GMU 638	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min. or antlerless
		454, 564, 588, 666	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 19 - Dec. 7	Nov. 24 - Dec. 7	Nov. 23 - Dec. 7	3 pt. min. or antlerless
		506, 520, 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	111, 113, 247	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		172, 245, 250, Elk Area 2051, 335 through 342, 352 through 360, 368	Oct. 4-10	Oct. 2-8	Oct. 1-7	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660, 672	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 652, 663, 667	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
Western Washington	WM	501, 503, 505, 652	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	3 pt. min. or antlerless

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		454, 564, 568, 666, 684	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		574, 578	Nov. 19-30	Nov. 24-30	Nov. 23-30	Any elk
		504, 550, 601, 667	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in firearm restriction areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, advanced hunter education master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203-248, 250, 254-290, 373, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	Oct. 30 - Nov. 15	Oct. 29 - Nov. 15	Any elk
	EA, EM, EF	371, Elk Areas 3911 and 3912 advanced hunter education master hunters only	Aug. 1 - Feb. 28, 2004	Aug. 1 - Feb. 28, 2005	Aug. 1 - Feb. 28, 2006	Antlerless only
Western Washington	WM	Elk Area 4941 (muzzleloader only)	Nov. 1 - Jan. 31, 2004	Nov. 1 - Jan. 31, 2005	Nov. 1 - Jan. 31, 2006	Any elk
	WA	Elk Area 4941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2005 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Blue Creek A	Oct. 24 - Nov. 6	Any bull	EF	GMU 154	2
Watershed	Oct. 24 - Nov. 6	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Dayton A	Oct. 24 - Nov. 6	Any bull	EF	GMU 162	7
Tucannon A	Oct. 24 - Nov. 6	Any bull	EF	Elk Area 1014	2
Wenaha A	Oct. 24 - Nov. 6	Any bull	EF	GMU 169	5
Mountain View A	Oct. 24 - Nov. 6	Any bull	EF	GMU 172	3
Couse A	Oct. 24 - Nov. 6	Any bull	EF	GMU 181	1
Mission A	Oct. 24 - Nov. 6	Any bull	EF	GMU 251	7
Naneum A	Oct. 24 - Nov. 6	Any bull	EF	GMU 328	19
Quilomene A	Oct. 24 - Nov. 6	Any bull	EF	GMU 329	17
Teaway A	Oct. 24 - Nov. 6	Any bull	EF	GMU 335	10
Peaches Ridge A	Oct. 24 - Nov. 6	Any bull	EF	GMUs 336, 346	142
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	20
Observatory A	Oct. 24 - Nov. 6	Any bull	EF	GMUs 340, 342	77
Goose Prairie A	Oct. 24 - Nov. 6	Any bull	EF	GMUs 352, 356	92
Bethel A	Oct. 24 - Nov. 6	Any bull	EF	GMU 360	50
Rimrock A	Oct. 24 - Nov. 6	Any bull	EF	GMU 364	109
Cowiche A	Oct. 24 - Nov. 6	Any bull	EF	GMU 368	24
Klickitat Meadows A	TBA**	Any bull	EF	Elk Area 3068	1
Green River	Oct. 29 - Nov. 4	Any bull	WF	GMU 485	1
Margaret A	Nov. 5-13	3 pt. min.	WF	GMU 524	22
Toutle A	Nov. 5-13	3 pt. min.	WF	GMU 556	87
Matheny	Oct. 1-10	3 pt. min.	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	3 pt. min.	WF	GMU 621, EXCEPT for Elk Area 6071	21
Skokomish A	Nov. 1-9	3 pt. min.	WF	GMU 636	12
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	Oct. 29 - Nov. 6	Any elk	EF	GMU 111	10
Selkirk A	Oct. 29 - Nov. 6	Any elk	EF	GMU 113	10
49 Degrees North	Oct. 29 - Nov. 6	Any elk	EF	GMU 117	15
Blue Creek B	Oct. 29 - Nov. 6	Antlerless	EF	GMUs 149, 154	100
Dayton B	Oct. 29 - Nov. 6	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton C	Oct. 29 - Nov. 6	Antlerless	EF	GMU 149 and Elk Area 1012	100
Peola	Oct. 29 - Nov. 6	Antlerless	EF	GMU 178	50
Couse B	Oct. 29 - Nov. 6	Antlerless	EF	GMU 181	25
Couse C	Oct. 1-10	Antlerless	EF	GMU 181	25
Mountain View B	Oct. 29 - Nov. 6	Antlerless	EF	Elk Area 1013	60
Lick Creek A	Oct. 29 - Nov. 6	Antlerless	EF	GMU 175	25

Hunt Name	2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2005 Permits
Malaga A	Aug. 13 - Sept. 25	Antlerless	EF	Elk Area 2032	100
Malaga B	Sept. 5-30	Any elk	EF	Elk Area 2032	10
Malaga C	Nov. 7 - Feb. 28, 2006	Antlerless	EF	Elk Area 2032	150
Malaga D	Nov. 7 - Dec. 18	Any elk	EF	Elk Area 2032	10
Malaga E	Dec. 19 - Feb. 28, 2006	Any elk	EF	Elk Area 2032	15
Peshastin A	Aug. 15-31	Antlerless	EF	Elk Area 2033	20
Peshastin B	Sept. 15 - Oct. 1	Antlerless	EF	Elk Area 2033	20
Peshastin C	Sept. 22-30	Any elk	EF	Elk Area 2033	5
Peshastin D	Nov. 30 - Feb. 28, 2006	Antlerless	EF	Elk Area 2033	30
Peshastin E	Dec. 15 - Feb. 28, 2006	Any elk	EF	Elk Area 2033	10
West Bar A	Oct. 29 - Nov. 2	Antlerless	EF	GMU 330	5
West Bar B	Nov. 3-6	Antlerless	EF	GMU 330	5
Colockum A	Oct. 8-14	Antlerless	EF	Elk Area 3028	35
Taneum A	Nov. 2-6	Antlerless	EF	GMU 336	160
Manastash A	Nov. 2-6	Antlerless	EF	GMU 340	340
Umtanum A	Nov. 2-6	Antlerless	EF	GMU 342	340
Cleman	Dec. 1-15	Antlerless	EF	Elk Area 3944	60
Little Naches B	Nov. 2-6	Antlerless	EF	GMU 346	220
Nile A	Nov. 2-6	Antlerless	EF	GMU 352	50
Bumping B	Nov. 2-6	Antlerless	EF	GMU 356	100
Bethel B	Nov. 2-6	Antlerless	EF	GMU 360	100
Rimrock B	Nov. 2-6	Antlerless	EF	GMU 364	180
Cowiche B	Nov. 2-6	Antlerless	EF	GMU 368	180
Klickitat Meadows B	TBA**	Spike bull or antlerless	EF	Elk Area 3068	9
Alkali A	Oct. 24 - Nov. 6	Any elk	EF	GMU 371	25
Willapa Hills A	Nov. 5-13	Antlerless	WF	GMU 506	35
Raymond A	Nov. 5-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-31, 2006	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2006	Antlerless	WF	Elk Area 6010	15
Winston A	Nov. 5-13	Antlerless	WF	GMU 520	12
Margaret B	Nov. 5-13	Antlerless	WF	GMU 524	25
Ryderwood A	Nov. 5-13	Antlerless	WF	GMU 530	32
Coweeman A	Nov. 5-13	Antlerless	WF	GMU 550	15
Toutle B	Nov. 5-13	Antlerless	WF	GMU 556	35
Marble A	Nov. 5-13	Antlerless	WF	GMU 558	50
Carlton	Oct. 1-10	3 pt. min.	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	3 pt. min.	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	3 pt. min.	WF	Elk Area 5059	5
Lewis River A	Nov. 5-13	Antlerless	WF	GMU 560	60
Siouxon A	Nov. 5-13	Antlerless	WF	GMU 572	40
Chehalis Valley A	Sept. 15-30	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley C	Nov. 5-10	Antlerless	WF	Elk Area 6066	30
Chehalis Valley D	Nov. 15-30	Antlerless	WF	Elk Area 6066	15
Chehalis Valley E	Feb. 1-28, 2006	Antlerless	WF	Elk Area 6066	15
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, 2006	Antlerless	WF	GMU 666	10
Williams Creek	Nov. 5-9	Antlerless	WF	GMU 673	40
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5
Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Note: Fire closures may limit access during early October seasons.					
Blue Creek C	Oct. 1-10	Any bull	EM	GMU 154	1
Dayton D	Oct. 1-10	Any bull	EM	GMU 162	1
Tucannon B	Oct. 1-10	Any bull	EM	Elk Area 1014	1
Wenaha B	Oct. 1-10	Any bull	EM	GMU 169	1
Mountain View C	Oct. 1-10	Any bull	EM	GMU 172	1
Couse D	Oct. 1-10	Any bull	EM	GMU 181	1
Mission B	Oct. 1-10	Any bull	EM	GMU 251	3
Naneum B	Oct. 1-10	Any bull	EM	GMU 328	4
Quilomene B	Oct. 1-10	Any bull	EM	GMU 329	4
Teanaway C	Oct. 1-10	Any bull	EM	GMU 335	2
Peaches Ridge B	Oct. 1-10	Any bull	EM	GMUs 336, 346	22
Observatory B	Oct. 1-10	Any bull	EM	GMUs 340, 342	25
Goose Prairie B	Oct. 1-10	Any bull	EM	GMUs 352, 356	15
Bethel C	Oct. 1-10	Any bull	EM	GMU 360	9
Rimrock C	Oct. 1-10	Any bull	EM	GMU 364	17
Cowiche C	Oct. 1-10	Any bull	EM	GMU 368	9
Klickitat Meadows C	TBA**	Any bull	EM	Elk Area 3068	1
Margaret C	Oct. 1-7	3 pt. min.	WM	GMU 524	5
Toutle C	Oct. 1-7	3 pt. min.	WM	GMU 556	17
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	3

Hunt Name	2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2005 Permits
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. 1-7	Any elk	EM	GMU 111	10
Selkirk B	Oct. 1-7	Any elk	EM	GMU 113	20
49 Degrees North	Oct. 1-7	Antlerless	EM	GMU 117	10
Blue Creek C	Dec. 9 - Jan. 31, 2006	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia B	Jan. 1-31, 2006	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	Dec. 20 - Jan. 31, 2006	Antlerless	EM	Elk Area 1012 and GMU 149	60
Mountain View D	Oct. 1-10	Antlerless	EM	Elk Area 1013	25
Lick Creek B	Oct. 1-10	Antlerless	EM	GMU 175	25
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	5
Taneum B	Oct. 1-7	Antlerless	EM	GMU 336	25
Manastash B	Oct. 1-7	Antlerless	EM	GMU 340	25
Umtanum B	Oct. 1-7	Antlerless	EM	GMU 342	250
Nile B	Oct. 1-7	Antlerless	EM	GMU 352	40
Bumping B	Oct. 1-7	Antlerless	EM	GMU 356	90
Bethel D	Oct. 1-7	Antlerless	EM	GMU 360	40
Cowiche D	Oct. 1-7	Antlerless	EM	GMU 368	225
Klickitat Meadows D	TBA**	Spike bull or antlerless	EM	Elk Area 3068	4
Alkali B	Oct. 1-10	Any elk	EM	GMU 371	15
Stella A	Nov. 24 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, 2006	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, 2006	Antlerless	WM	Elk Area 5029	30
Malaga F	Oct. 1-21	Antlerless	EM	Elk Area 2032	100
Malaga G	Oct. 1-21	Any elk	EM	Elk Area 2032	15
Mossyrock A	Jan. 1-16, 2006	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, 2006	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, 2006	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 23 - Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, 2006	Antlerless	WM	Elk Area 5051	30
Winston B	Nov. 23 - Dec. 15	Antlerless	WM	GMU 520	3
Margaret D	Nov. 23 - Dec. 15	Antlerless	WM	GMU 524	10
Ryderwood B	Oct. 1-7	Antlerless	WM	GMU 530	8
Coweeman B	Nov. 23 - Dec. 15	Antlerless	WM	GMU 550	5
Toutle D	Nov. 23 - Dec. 15	Antlerless	WM	GMU 556	10
Marble B	Oct. 1-7	Antlerless	WM	GMU 558	10
Lewis River B	Oct. 1-7	Antlerless	WM	GMU 560	15
Siouxon B	Oct. 1-7	Antlerless	WM	GMU 572	10
Yale	Nov. 23 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop A	Jan. 5-15, 2006	Antlerless	WM	Elk Area 6061	10
Twin Satsop B	Oct. 6-10	Antlerless	WM	Elk Area 6061	10
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 1-7	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley	Jan. 1-31, 2006	Antlerless	WM	Elk Area 6066	15
Capitol Peak A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10
Tri Valley	Jan. 1-31, 2006	Antlerless	WM	Elk Area 6012	10
Archery Permit Hunts (Only archery elk tag holders may apply.)					
Note: Fire closures may limit access during September seasons.					
Blue Creek D	Sept. 8-21	Any bull	EA	GMU 154	1
Dayton E	Sept. 8-21	Any bull	EA	GMU 162	6
Tucannon C	Sept. 8-21	Any bull	EA	Elk Area 1014	2
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	2
Mountain View E	Sept. 8-21	Any bull	EA	GMU 172	3
Couse E	Sept. 8-21	Any bull	EA	GMU 181	1
Naneum C	Sept. 8-21	Any bull	EA	GMU 328	25
Quilomene C	Sept. 8-21	Any bull	EA	GMU 329	29
Teanaway E	Sept. 8-21	Any bull	EA	GMU 335	13
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	144
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	93
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	170
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	45
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	112
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	24
Klickitat Meadows E	TBA**	Any bull	EA	Elk Area 3068	1
Klickitat Meadows F	TBA**	Spike bull or antlerless	EA	Elk Area 3068	9
Peshastin G	Sept. 1-14	Any elk	EA	Elk Area 2033	30
Margaret E	Sept. 8-21	3 pt. min.	WA	GMU 524	10
Toutle E	Sept. 8-21	3 pt. min.	WA	GMU 556	55

Hunt Name	2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2005 Permits
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621, EXCEPT for Elk Area 6071	6
Mashel A	Jan. 1-15, 2006	Antlerless	WA	Elk Area 6054	25
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	10
Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; and any weapon may be used.					
Toledo B	Jan. 17-31, 2006	Antlerless	Any elk tag	Elk Area 5029	20
Peshastin F	Aug. 18-25	Any elk	Any elk tag	Elk Area 2033	5
Mossyrock B	Jan. 17-31, 2006	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-31, 2006	Antlerless	Any elk tag	Elk Area 5053	15
Quinault Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-31, 2006	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. 24 - Dec 15	Antlerless	Any elk tag	Elk Area 5060	10
Merwin B	Jan. 17-31, 2006	Antlerless	Any elk tag	Elk Area 5060	10
JBH A*	Nov. 28 - Dec. 2	Antlerless	Any elk tag	Elk Area 5090	5
JBH B*	Dec. 12-16	Antlerless	Any elk tag	Elk Area 5090	5
Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts: Only AHE Master Hunters may apply; these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed (second tag purchase deadlines do not apply to these hunts); and any weapon may be used.					
Rattlesnake Hills	Aug. 1 - Feb. 28, 2006	Antlerless	Any elk tag	Designated areas in GMU 372	20 ^{HM}
Corral Canyon A	Aug. 1 - Sept. 14	Spike bull or antlerless	Any elk tag	Elk Area 3721	10
Corral Canyon B	Sept. 15 - Oct. 15	Spike bull or antlerless	Any elk tag	Elk Area 3721	10
Corral Canyon C	Nov. 15 - March 31, 2006	Spike bull or antlerless	Any elk tag	Elk Area 3721	30
Corral Canyon D	June 1 - July 31	Any bull except spike bull only July 1-31	Any elk tag	Elk Area 3721	30 ^{HM}
Blackrock A	Aug. 1 - March 31, 2006	Any elk	Any elk tag	Elk Area 3722	18 ^{HM}
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	6
Grays River B	Jan. 1-15, 2006	Antlerless	Any elk tag	Elk Area 5056	6
Grays River C	Jan. 16-31, 2006	Antlerless	Any elk tag	Elk Area 5056	6
Grays River D	Feb. 1-14, 2006	Antlerless	Any elk tag	Elk Area 5056	6
Grays River E	Feb. 15-28, 2006	Antlerless	Any elk tag	Elk Area 5056	6
JBH C*	Dec. 17 - Feb. 28, 2006	Antlerless	Any elk tag	Elk Area 5090	15 ^{HM}
North River B	Dec. 16 - Feb. 28, 2006	Antlerless	Any elk tag	Designated areas in GMU 658	10 ^{HM}
Chehalis G	Aug. 1 - Feb. 28, 2006	Antlerless	Any elk tag	Designated areas in Elk Area 6066	10 ^{HM}
Hannaford C	Aug. 1 - Feb. 28, 2006	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 ^{HM}
Dungeness A	Sept. 8-29	Antlerless only	WF	Elk Area 6071	3
Dungeness B	Oct. 9-31	Spike bull or antlerless	WF	Elk Area 6071	3
Dungeness C	Nov. 12 - Dec. 12	Antlerless only	WF	Elk Area 6071	4
Dungeness D	Dec. 18 - Jan. 9, 2006	Antlerless only	WF	Elk Area 6071	3
Dungeness E	Jan 22 - Feb. 28, 2006	Antlerless only	WF	Designated areas in Elk Area 6071	8 ^{HM}
Youth 15 and Under - Special Elk Permit Hunts					
Blackrock B	Aug. 1 - Mar. 31, 2006	Any elk	Any elk tag	Elk Area 3722	10
Persons of Disability Only - Special Elk Permit Hunts					
Observatory D	Oct. 25 - Nov. 7	Any elk	EF or EM	GMUs 340, 342	7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	5
Little Naches D	Nov. 3-7	Antlerless	EF, EM, EA	GMU 346	8
Blackrock C	Aug. 1 - Mar. 31, 2006	Any elk	Any elk tag	Elk Area 3722	2
Mudflow A	Nov. 7-13	Antlerless	Any elk tag	Elk Area 5099	5
Mudflow B	Nov. 21-27	Antlerless	Any elk tag	Elk Area 5099	5
Centralia Mine A	Oct. 23-24	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	Oct. 30-31	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore D	Jan. 1-31, 2006	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, 2006	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley F	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15
Hannaford A	Jan. 1-15, 2006	Antlerless	Any elk tag	Elk Area 6069	5
Hunters 65 or older only - Special Elk Permit Hunts					
Hannaford B	Jan. 16-31, 2006	Antlerless	Any elk tag	Elk Area 6069	5

*Muzzleloaders only; scopes allowed in JBH hunt.

**The commission delegates authority to establish dates and final permit types to the director. Hunters will be notified of hunt dates and final permit types on their permit.

^{HM} This is a damage hunt administered by a WDFW designated Hunt Master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify. Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit	Any elk	GMUs 335-368	2
Region 5		Any elk	All 500 series GMUs except GMU 522	1
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

[Statutory Authority: RCW 77.12.047, 05-11-024 (Order 05-90), § 232-28-352, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020, 04-11-036 (Order 04-98), § 232-28-352, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047, 03-13-047 (Order 03-129), § 232-28-352, filed 6/12/03, effective 7/13/03.]

WAC 232-28-429 2005-06 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 15-19, 2005 and Oct. 22, 2005 - Jan. 29, 2006, except canvasback season closed Oct. 15 - Nov. 30, 2005.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 17-18, 2005.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 3 scaup, 1 canvasback, 2 redhead, 1 harlequin, 4 scoter, and 4 long-tailed duck.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 2 pintail, 6 scaup, 2 canvasback, 4 redhead, 1 harlequin, 8 scoter, and 8 long-tailed duck.

Season limit: 1 harlequin.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SEA DUCKS.

All persons hunting sea ducks (harlequin, scoter, long-tailed duck) in Western Washington are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2004-05 authorization and returned the harvest report prior to the deadline will be mailed a 2005-06 authorization in early October. Hunters who did not possess a 2004-05 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2005-06 authorization before the season starts. No applications will be accepted after October 31, 2005. Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2006, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2006-07 sea duck season.

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COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 17-18, 2005, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 15, 2005 - Jan. 8, 2006 for snow, Ross', or blue geese.

Oct. 15-27, 2005 and Nov. 5, 2005 - Jan. 29, 2006 for other geese (except Brant and Aleutian geese).

Daily bag limit: 4 geese.

Possession limit: 8 geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.

All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2004-05 authorization and returned the harvest report prior to the deadline will be mailed a 2005-06 authorization in early October. Hunters who did not possess a 2004-05 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department

office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2005-06 authorization before the season starts. No applications will be accepted after October 31, 2005. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2006, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2006-07 snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas except Ridgefield NWR from 8:00 a.m. to 4:00 p.m. Saturdays, Sundays, and Wednesdays only, Nov. 12-27, 2005 and Dec. 7, 2005 - Jan. 29, 2006, except closed Dec. 25, 2005 and Jan. 1, 2006. Ridgefield NWR open from 8:00 a.m. to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 15-26, 2005 and Dec. 8, 2005 - Jan. 21, 2006, except closed Nov. 24, 2005.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open from 8:00 a.m. to 4:00 p.m., Saturdays and Wednesdays only, Oct. 15, 2005 - Jan. 14, 2006.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 2 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 4 cackling geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who

maintained a valid 2004-05 written authorization will be mailed a 2005-06 authorization card prior to the 2005-06 season. New hunters and those who did not maintain a valid 2004-05 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Special Late Canada Goose Season for Goose Management Area 2A:

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2005-06 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays and Wednesdays only, Feb. 4 - Mar. 8, 2006.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose and 2 cackling geese.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose and 4 cackling geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding written authorization, harvest reporting, and checking requirements also apply

to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 15-27, 2005 and Nov. 5, 2005 - Jan. 29, 2006.

Daily bag limit: 4 geese.

Possession limit: 8 geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 15-17, 2005, and Saturdays, Sundays, and Wednesdays only during Oct. 22, 2005 - Jan. 22, 2006; Nov. 11, 24, and 25, 2005; Dec. 26, 27, 29, and 30, 2005; and every day Jan. 23-29, 2006.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 15-17, 2005, every day from Oct. 22, 2005 - Jan. 29, 2006.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese.

Possession limit: 8 geese.

BRANT

Open in Skagit County only on the following dates:

Jan. 21, 22, 24, 26, 28, 2006.

If the 2005-06 preseason brant population in Skagit County is below 6,000 (as determined by the early January survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates:

Jan. 7, 8, 10, 12, 14, 2006.

WRITTEN AUTHORIZATION REQUIRED:

All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2004-05 authorization and reported harvest prior to the deadline will be mailed a 2005-06 authorization in November. Hunters who did not possess a 2004-05 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after

which applicants will be mailed a 2005-06 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2006, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2006-07 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 15-19, 2005 and Oct. 22, 2005 - Jan. 29, 2006 statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 15, 2005 - Jan. 8, 2006.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 12-27, 2005 and Dec. 7, 2005 - Jan. 29, 2006, except closed Dec. 25, 2005 and Jan. 1, 2006; and Feb. 4 - Mar. 8, 2006.

Goose Management Area 2B: Wednesdays and Saturdays only, Oct. 15, 2005 - Jan. 14, 2006.

Goose Management Areas 3, 4, and 5: Oct. 15-17, 2005 and Nov. 5, 2005 - Jan. 29, 2006.

Daily bag limit for all areas: 3 geese (except brant and Aleutian geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

[Statutory Authority: RCW 77.12.047. 05-17-098 (Order 05-174), § 232-28-429, filed 8/15/05, effective 9/15/05.]

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31 except closed 12:01 a.m. July 5 through 2:00 p.m. July 6 and 12:01 a.m. July 11 through 2:00 p.m. July 12. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily

limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet down-

stream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and unmarked adult chinook.

Unmarked chinook are chinook with unclipped adipose and ventral fins. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Same rules as adjacent waters of the Columbia River.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through last day in February season. Nonbuoyant lure restriction, night closure and single point barbless hooks August 1 through November 30. Trout: Minimum

length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release chum and wild adult chinook salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Nonbuoyant lure restriction and night closure September 16 through November 30. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. Selective gear rules and night closure. All species: Release all fish. Landsburg Road to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through November 30, mouth to Porter Bridge, release adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through September 30, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24

inches in length, and coho less than 16 inches in length. October 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon and not more than one of which may be an adult chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings with barbed hooks allowed and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open to retain sturgeon is 45 inches.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through June 15 daily limit 6 hatchery jack chinook. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 the daily limit may contain not more than 1 adult chinook. Release wild chinook January 1 through March 31. Sturgeon: (1) Release sturgeon May 1 through May 14 and July 24 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 45 inches; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approxi-

mately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to markers on the Washington and Oregon shores at Beacon Rock. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to Beacon Rock. Release sturgeon on other days and during other time periods. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam. August 1 through December 31, daily limit may contain not more than 1 adult chinook downstream from Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips October 1 through October 31. Release all trout except hatchery steelhead November 1 through March 31. Salmon: Open only June 16 through July 31 and August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye June 16 through July 31. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye June 16 through July 31.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of

the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye June 16 through July 31.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Salmon: Open only July 16 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. From Wells Dam to Chief Joseph Dam, open only from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam, and from 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-

round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size 12 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open is 45 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length 14 inches. Release steelhead and wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source

(including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When nonbuoyant lure restriction in effect, only fish hooked inside the mouth may be retained. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than 2 of which may be adult salmon. Release chum and wild coho. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to Interstate 5 Bridge: June 1 through July 31 and September 1 through February 15 season. Nonbuoyant lure restriction and night closure September 1 through November 30 First Avenue South Bridge to Interstate 5 Bridge. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 1 may be a chinook.

From the Interstate 5 Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through February 15 season. Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release chinook.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through February 15. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and October 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 3 may be adult salmon. Release chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only June 1 through July 31 and October 16 through last day in February. Nonbuoyant lure restriction

and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. July 1 through July 31 and October 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. July 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only November 1 through December 31. Daily limit 2 chum.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: May 18 through April 15 season. May 18 through May 31, open Wednesday through Sunday only from mouth to Willoughby Creek only. Willoughby Creek to park boundary closed through May 31. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. Catch and release during May, except up to two hatchery steelhead may be retained on open days. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch, one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 18 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear rules and all species: Release all fish except up to two hatchery steelhead may be retained per day, from March 1 through March 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required

August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. October 16 through November 30 the daily limit may contain no more than 1 wild adult coho. December 1 through January 31 release wild adult coho.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River (Grays Harbor County): Mouth to Ballon Creek: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ballon Creek upstream, including North and South Forks: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters when the rack is installed. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to the rack. All species: When nonbuoyant lure restriction in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with a

motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Release hatchery coho October 16 through December 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: April 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: April 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit six fish of which not more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16

through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit six fish of which not more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Friderger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 31 season, except for hatchery steelhead and chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and October 1 through October 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. March 16 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30. Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restric-

tions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls. Waters from two hundred feet upstream of the Naselle Salmon Hatchery water

supply intake barrier to four hundred feet downstream of the entrance to the Naselle Salmon Hatchery attraction channel closed July 16 through October 15.

Mainstem: June 1 through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions downstream from the Crown Main Line Bridge August 16 through November 30. Selective gear rules March 1 through April 15 from mouth to North Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook. No more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, stationary gear restriction during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January

31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Leonard Road. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Leonard Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from yellow marker at the FFA High School barn at Deming to confluence of the North

and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming. Open only October 16 through December 31 in mainstem from the FFA barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release pink and wild coho, release wild chinook from mouth to FFA barn, and release chinook from FFA barn to forks and in North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release pink, chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Oasis Park Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout. Salmon: Open only July 16 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks.

Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Single point barbless hooks, non-buoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 4 may be adult salmon and of the adult salmon no more than two may be chinook, coho or chum or a combination of chinook, coho and chum. Release wild adult chinook.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. March 1 through August 31 release wild adult coho and unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): Chumming allowed. All species: Closed January 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County) outside of Olympic National Park and Quinalt Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. Daily limit two salmon except release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. Daily limit two salmon except release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. Daily limit two salmon except release chinook.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport - Salmon open July 1 through July 31 except closed 12:01 a.m. July 5 until 2:00 p.m. July 6 and 12:01 a.m. July 11 until 2:00 p.m. July 12, and, except closed from 200 feet above the mouth of the Baker River to the Cas-

cade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. Daily limit two salmon except release chinook.

From the Highway 530 Bridge at Rockport to the Cascade River - Salmon open June 1 through July 8. Daily limit two salmon. Release all salmon except hatchery chinook. Salmon open September 16 through December 31. Daily limit two salmon. Release chinook.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open August 16 through December 31 mouth to Lewis Street Bridge in Monroe. Daily limit 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. Release chinook. Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery chinook. Open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. Release chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1

through December 31. Daily limit 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. Release chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained. Up to but not more than 3 bass over fifteen inches in length may be retained. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. Daily limit 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. Release chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Sol Duc Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Sol Duc Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. March 1 through August 31 release wild adult coho and unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October 8 through October 30 to fishing by juveniles only. Night closure October 8 through October 30. Terminal gear restricted to one single point hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Crappie: Daily limit ten, minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Stevens Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed. Game fish: June 1 through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Non-

buoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suitttle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

Bass: Bass 12 to 17 inches in length may be retained. Up to but not more than 3 greater than 15 inches may be retained as part of the daily limit.

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon

rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. Trout: Release all trout. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 31. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release hatchery coho October 16 through December 31. Upstream of Little Washougal River, release chinook October 1 through November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with a motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, including Lake Jolanda (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters. Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no

more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: Selective gear rules. Additional December 1 through March 31 season. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to Prosser Dam: Chumming permitted. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half

mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 232-28-619, filed 8/3/05, effective 9/3/05; 05-05-035 (Order 05-15), § 232-28-619, filed 2/10/05, effective 5/1/05; 05-03-005 (Order 05-03), § 232-28-619, filed 1/5/05, effective 2/5/05; 04-19-012 (Order 04-242), § 232-28-619, filed 9/2/04, effective 10/3/04; 04-16-046 (Order 04-189), § 232-28-619, filed 7/28/04, effective 8/28/04; 04-07-009 (Order 04-39), § 232-28-619, filed 3/4/04, effective 5/1/04; 03-16-110 (Order 03-181), § 232-28-619, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 232-28-619, filed 2/14/03, effective 5/1/03; 02-20-082 (Order 02-249), § 232-28-619, filed 9/30/02, effective 10/31/02; 02-15-097 (Order 02-158), § 232-28-619, filed 7/16/02, effective 8/16/02; 02-08-048 (Order 02-53), § 232-28-619, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 232-28-619, filed 6/21/01, effective 7/22/01; 01-06-036 (Order 01-24), § 232-28-619, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 232-28-619, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 232-28-619, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 232-28-619, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 232-28-619, filed 3/30/99, effective 5/1/99; 98-15-081 (Order 98-122), § 232-28-619, filed 7/15/98, effective 8/15/98; 98-06-031, § 232-28-619, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 232-28-619, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040, 97-07-076 (Order 97-50), § 232-28-619, filed 3/19/97, effective 5/1/97; 96-11-079 (Order 96-45), § 232-28-619, filed 5/13/96, effective 6/13/96; 95-19-011 (Order 95-114), § 232-28-619, filed 9/7/95, effective 10/8/95; 95-10-027, § 232-28-619, filed 4/26/95, effective 5/27/95; 95-05-008 (Order 95-11), § 232-28-619, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040, 93-21-070 (Order 617), § 232-28-619, filed 10/20/93, effective 4/16/94; 92-01-084 (Order 524), § 232-28-619, filed 12/16/91, effective 4/16/92.]

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section. Open when a daily limit is provided:

- (1) Catch Record Card Area 1:
 - (a) May 1 through July 2 - Closed.
 - (b) July 3 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.
 - (c) October 1 through April 30 - Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through June 25 - Closed.

(b) Area 2 June 26 through September 18 except closed to salmon fishing August 1 through September 18 in the Grays Harbor Control Zone described in WAC 220-56-195(11) and Area 2-2 west of Buoy 13 June 26 through July 31 - Open Sundays through Thursdays only. Daily limit 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) Area 2 September 19 through April 30 and Area 2-2 west of Buoy 13 August 1 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of 2 salmon. Release chinook salmon.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through June 25 - Closed.

(b) June 26 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through June 30 - Closed.

(b) July 1 through September 18 - Open Tuesday through Saturday only. Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) September 19 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude open September 24 through October 9 - Daily limit two salmon, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through June 30 - Closed.

(b) July 1 through September 18 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release chinook salmon caught east of the Bonilla-Tatoosh line August 1 through September 18. Release chum salmon August 1 through September 18.

(c) September 19 through April 30 - Closed.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 232-28-620, filed 8/3/05, effective 9/3/05; 04-16-006 (Order 04-182), § 232-28-620, filed 7/22/04, effective 8/22/04; 03-16-109 (Order 03-182), § 232-28-620, filed 8/6/03, effective 9/6/03; 02-15-097 (Order 02-158), § 232-28-620, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 232-28-620, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), amended and recodified as § 232-28-620, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-

15-081 (Order 99-102), § 220-56-190, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-190, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-190, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-190, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-190, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-190, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-190, filed 6/29/93, effective 7/30/93; 91-08-054 (Order 91-13), § 220-56-190, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-190, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-190, filed 3/16/89; 87-09-066 (Order 87-16), § 220-56-190, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-190, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-190, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-190, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-190, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-190, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-190, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-190, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-064.]

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through August 10 - Daily limit 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, wild chinook and wild coho.

(c) August 11 through September 30 - Daily limit of 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, chinook and wild coho.

(d) October 1 through October 31 - Closed.

(e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) December 1 through February 15 - Closed.

(g) February 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through August 10 - Daily limit 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(c) August 11 through September 30 - Daily limit of 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, chinook and wild coho.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 31.

(e) October 1 through October 31 - Closed, except waters of Dungeness Bay inside a line from Dungeness Spit Light-house to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) December 1 through February 15 - Closed.

- (h) February 16 through April 10 - Daily limit 1 salmon.
- (i) April 11 through April 30 - Closed.
- (3) Catch Record Card Area 7:
 - (a) May 1 through June 30 - Closed.
 - (b) July 1 through July 31 - Daily limit of 4 salmon, not more than one of which may be a chinook salmon and not more than two of which may be salmon other than pink salmon. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).
 - (c) August 1 through September 30 - Daily limit of 4 salmon, not more than one of which may be a chinook salmon and not more than two of which may be salmon other than pink salmon. Release chum and wild coho. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).
 - (d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be chinook salmon. November 1 through June 30 - Same rules as Area 7.
 - (e) October 1 through October 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.
 - (f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.
 - (g) November 1 through November 30 - Daily limit 2 salmon. Release chinook salmon.
 - (h) December 1 through January 31 - Closed.
 - (i) February 1 through March 31 - Daily limit of 1 salmon.
 - (j) April 1 through April 30 - Closed.
- (4) Catch Record Card Area 8-1:
 - (a) May 1 through July 31 - Closed.
 - (b) August 1 through September 30 - Daily limit of 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chinook.
 - (c) October 1 through April 30 - Daily limit 2 salmon. Release wild chinook.
- (5) Catch Record Card Area 8-2:
 - (a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - June 3 through June 17 and June 19 through July 31, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon.
 - (b) August 1 through September 30 - Daily limit 4 salmon of which not more than 2 may be salmon other than pink salmon, and release chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September 27, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon and except waters of Port Susan described in WAC 220-56-195(10) closed August 1 through August 31 and release pink salmon September 1 through September 30.
 - (c) October 1 through April 30 - Daily limit 2 salmon. Release wild chinook.
- (6) Catch Record Card Area 9:
 - (a) May 1 through July 31 - Closed.
 - (b) August 1 through September 30 - Daily limit of 4 salmon of which not more than 2 may be salmon other than pink salmon. Release chum and chinook.
 - (c) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.
 - (d) November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.
 - (e) December 1 through January 31 - Closed.
 - (f) February 1 through April 15 - Daily limit 1 salmon.
 - (g) April 16 through April 30 - Closed.
 - (h) Edmonds Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 30.
- (7) Catch Record Card Area 10:
 - (a) May 1 through June 15 - Closed.
 - (b) June 16 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release.
 - (c) July 1 through September 30 - Daily limit 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum August 1 through September 15. Release chinook. Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August 23, except waters east of a line from Pier 91 to Duwamish Head open July 8 through 11:59 a.m. August 22, and open only on Friday through Monday of each week - Daily limit 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum August 1 through August 22.
 - (d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Daily limit 2 salmon July 1 through September 30. Release chum August 1 through September 15.
 - (e) October 1 through October 15 - Daily limit of 2 salmon. Release chinook salmon.
 - (f) October 16 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.
 - (g) December 1 through January 31 - Daily limit 1. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point closed January 1 through January 31.
 - (h) February 1 through April 30 - Closed.
 - (i) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.
 - (j) East Duwamish waterway - Waters between a line projected east along the path of SW Hanford Street and a line projected east from the south tip of Harbor Island - July 1 through October 31 terminal gear restricted to bait suspended above the bottom by a float.
- (8) Catch Record Card Area 11:
 - (a) May 1 through May 31 - Closed.
 - (b) June 1 through June 30 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through September 30 - Daily limit of 4 salmon not more than 2 of which may be salmon other than pink salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed July 1 through August 12.

(d) October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) January 1 through February 15 - Closed.

(g) February 16 through April 10 - Daily limit of 1 salmon.

(h) April 11 through April 30 - Closed.

(i) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier and Point Defiance Boathouse Dock: Open year-round - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a chinook salmon.

(f) January 1 through February 15 - Closed.

(g) February 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through May 31 - Daily limit 2 salmon. Carr Inlet north of a line from Penrose Point to Green Point - Closed.

(b) June 1 through June 30 - Closed.

(c) July 1 through October 31 - Daily limit 2 salmon. Release wild coho. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed July 1 through July 31, except open to fly fishing only for hatchery coho.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) January 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

(h) Fox Island Public Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

[Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 232-28-621, filed 8/3/05, effective 9/3/05; 04-16-006 (Order 04-182), § 232-28-621, filed 7/22/04, effective 8/22/04; 03-16-109 (Order 03-182), § 232-28-621, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 232-28-621, filed 2/14/03, effective 5/1/03; 02-15-097 (Order 02-158), § 232-28-621, filed 7/16/02, effective 8/16/02; 02-08-048 (Order 02-53), § 232-28-621, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 232-28-621, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), amended and recodified as § 232-28-621, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 00-01-103 (Order 99-215), § 220-56-191, filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-191, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-191, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-56-191, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-56-191, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-191, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-191, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-191, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-191, filed 6/29/93, effective 7/30/93.]

Title 236 WAC GENERAL ADMINISTRATION, DEPARTMENT OF

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 236-22 SELF-INSURANCE REQUIREMENTS AS TO LOCAL GOVERNMENTS

236-22-010	Preamble and authority. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-010, filed 8/3/93, effective 9/3/93; 92-12-092, § 236-22-010, filed 6/3/92, effective 7/1/92.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-010.
236-22-020	Definitions. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-020, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-020.
236-22-030	Adoption of program. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-030, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-030.
236-22-031	Program financing. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-031, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-031.
236-22-032	Nondiscrimination in contributions. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-032, filed 8/3/93, effective 9/3/93.] Decodified by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-032.
236-22-033	Nondiscrimination in joint program assessments. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-

	22-033, filed 8/3/93, effective 9/3/93.] Decodified by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-033.
236-22-034	Disclosures. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-034, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-034.
236-22-035	Wellness programs. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-035, filed 8/3/93, effective 9/3/93.] Decodified by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-035.
236-22-036	Termination provisions. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-036, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-036.
236-22-037	Financial plans. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-037, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-037.
236-22-038	Third party administrator contracts. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-038, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-038.
236-22-040	Risk management. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-040, filed 8/3/93, effective 9/3/93.] Decodified by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-040.
236-22-050	Claims administration. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-050, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-050.
236-22-060	Financial reports. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-060, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-060.
236-22-070	State risk manager may waive requirements. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-070, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-070.
236-22-080	Conflict of interest. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-080, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-080.
236-22-100	Expense and operating cost fees. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-100, filed 8/3/93, effective 9/3/93; 92-12-092, § 236-22-100, filed 6/3/92, effective 7/1/92.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-100.
236-22-200	Appeals of fees. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-200, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-200.
236-22-210	Appeals of cease and desist orders. [Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-210, filed 8/3/93, effective 9/3/93.] Decodified and amended by 05-04-072, filed 2/1/05, effective 3/4/05. Statutory Authority: RCW 48.62.061. Recodified as § 82-60-210.

Title 246 WAC

HEALTH, DEPARTMENT OF

Chapters

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**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 246-323
RESIDENTIAL TREATMENT FACILITIES FOR
PSYCHIATRICALY IMPAIRED CHILDREN AND YOUTH**

246-323-010	Definitions. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-323-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-010, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-001, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-001, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-020	Licensure. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-323-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 1989 1st ex.s. c 9 § 106. 90-06-019 (Order 039), § 248-23-010, filed 2/28/90, effective 3/1/90. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-010, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-010, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-022	Criminal history, disclosure, and background inquiries. [Statutory Authority: RCW 43.43.830 through 43.43.842. 93-16-030 (Order 381), § 246-323-022, filed 7/26/93, effective 8/26/93.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-030	Administration. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-020, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-020, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-040	HIV/AIDS education and training. [Statutory Authority: RCW 43.70.040. 70.24.310 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-323-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310. 89-21-038 (Order 3), § 248-23-025, filed 10/12/89, effective 11/12/89.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-050	Client care services. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order

246-323-060	224), § 246-323-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-050, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-030, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-030, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-070	Pharmaceutical services. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-060, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-040, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-040, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-080	Infection control. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-323-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-070, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 83-10-079 (Order 1960), § 248-23-050, filed 5/4/83; 82-23-004 (Order 1899), § 248-23-050, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-050, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-090	Clinical records. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-080, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-060, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-060, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
246-323-990	Physical environment. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-323-090, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-323-090, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-23-004 (Order 1899), § 248-23-070, filed 11/4/82. Statutory Authority: RCW 43.20.050. 80-03-079 (Order 194), § 248-23-070, filed 3/3/80.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.
	Fees. [Statutory Authority: RCW 43.70.250 and 71.12.470. 04-19-140, § 246-323-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250. 03-14-147, § 246-323-990, filed 7/2/03, effective 8/1/03; 02-16-068, § 246-323-990, filed 8/5/02, effective 9/5/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-091, § 246-323-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 71.12.470, 43.70.110, 43.70.250 and 43.208.020. 99-24-094, § 246-323-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-323-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250. 92-15-048 (Order 287), § 246-323-990, filed 7/10/92, effective 8/10/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-323-990, filed 12/27/90, effective 1/31/91.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW.

Reviser's note: Later promulgation, see chapter 246-337 WAC.

**Chapter 246-325
ADULT RESIDENTIAL REHABILITATION CENTERS AND
PRIVATE ADULT TREATMENT HOMES**

246-325-010	Definitions. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-325-010, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-002, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-002, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
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246-325-012	Licensure—Adult residential rehabilitation centers and private adult treatment homes. [Statutory Authority: RCW 43.70.040, 34.05.220 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-012, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-012, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 1989 1st ex.s. c 9 § 106, 90-06-019 (Order 039), § 248-25-010, filed 2/28/90, effective 3/1/90. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-010, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-010, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-045	Food storage—Preparation—Service. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-045, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-045, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-045, filed 8/9/88.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
246-325-015	Licensure—Private adult treatment home. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-015, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-015, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 82-17-009 (Order 1858), § 248-25-015, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-050	Infection control in adult residential rehabilitation centers. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-050, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-050, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-050, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
246-325-020	Administration—Adult residential rehabilitation center. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-020, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-020, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-060	Clinical records. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-060, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-060, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-060, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-060, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
246-325-022	Criminal history, disclosure, and background inquiries. [Statutory Authority: RCW 43.43.830 through 43.43.842, 93-16-030 (Order 381), § 246-325-022, filed 7/26/93, effective 8/26/93.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-070	Physical environment in adult residential rehabilitation centers. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-070, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-070, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-070, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
246-325-025	HIV/AIDS education and training. [Statutory Authority: RCW 43.70.040, 70.24.310 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-025, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-025, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310, 89-21-038 (Order 3), § 248-25-025, filed 10/12/89, effective 11/12/89.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-100	Resident care services in private adult treatment homes. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-100, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-100, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-100, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
246-325-030	Resident care services in adult residential rehabilitation centers or private adult treatment homes. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-325-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-030, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-030, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-120	Physical environment requirements for private adult treatment homes. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-120, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-120, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-120, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
246-325-035	General resident safety and care—Policies, procedures, practices. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-035, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-035, filed 8/9/88.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.	246-325-990	Fees. [Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470, 04-19-141, § 246-325-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 70.38.105(5), 03-22-020, § 246-325-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250 and 2002 c 371, 02-20-040, § 246-325-990, filed 9/24/02, effective 11/1/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250, 01-15-091, § 246-325-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 71.12.470, 43.70.110, 43.70.250 and 43.208.020, 99-24-094, § 246-325-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020, 95-12-097, § 246-325-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250, 92-15-048 (Order 287), § 246-325-990, filed 7/10/92, effective 8/10/92. Statutory
246-325-040	Pharmaceutical services in adult residential rehabilitation centers. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-325-040, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-040, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-040, filed 8/6/82.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.		

Authority: RCW 43.70.040, 91-02-050 (Order 122), § 246-325-990, filed 12/27/90, effective 1/31/91.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.

Chapter 246-326

ALCOHOLISM TREATMENT FACILITIES

- 246-326-010 Definitions. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-010, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-010, filed 8/3/84. Formerly WAC 248-22-501.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
- 246-326-020 Licensure. [Statutory Authority: RCW 43.70.040, 34.05.220 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 1989 1st ex.s. c 9 § 106, 90-06-019 (Order 039), § 248-26-020, filed 2/28/90, effective 3/1/90. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-020, filed 8/3/84. Formerly WAC 248-22-510.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
- 246-326-030 Administrative management. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-030, filed 8/3/84. Formerly WAC 248-22-520.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
- 246-326-035 HIV/AIDS education and training. [Statutory Authority: RCW 43.70.040, 70.24.310 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-035, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-035, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310, 89-21-038 (Order 3), § 248-26-035, filed 10/12/89, effective 11/12/89.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
- 246-326-040 Patient care and services—General. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-040, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-040, filed 8/3/84. Formerly WAC 248-22-530.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
- 246-326-050 Health and medical care services—All facilities. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-050, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-050, filed 8/3/84.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.
- 246-326-060 Medication responsibility—Administration of medications and treatments. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-060, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-060, filed 12/27/90, effective 1/31/91. Statutory Authority: Chap-

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ter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-060, filed 8/3/84.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC. Maintenance and housekeeping—Laundry. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-070, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-070, filed 8/3/84. Formerly WAC 248-22-540.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.

Site and grounds. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-080, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-080, filed 8/3/84. Formerly WAC 248-22-580.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.

Physical plant and equipment. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-090, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-090, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-090, filed 8/3/84. Formerly WAC 248-22-590.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.

Special additional requirements for facilities providing alcoholism detoxification service. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-326-100, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-100, filed 8/3/84. Formerly WAC 248-22-550.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.

Fees. [Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470, 04-19-141, § 246-326-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 70.38.105(5), 03-22-020, § 246-326-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250 and 2002 c 371, 02-20-040, § 246-326-990, filed 9/24/02, effective 11/1/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250, 01-15-091, § 246-326-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 71.12.470, 43.70.110, 43.70.250 and 43.208.020, 99-24-094, § 246-326-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020, 95-12-097, § 246-326-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250, 92-12-028 (Order 273), § 246-326-990, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 43.70.040, 91-02-050 (Order 122), § 246-326-990, filed 12/27/90, effective 1/31/91.] Repealed by 05-15-157, filed 7/20/05, effective 8/20/05. Statutory Authority: Chapter 71.12 RCW. Later promulgation, see chapter 246-337 WAC.

Chapter 246-08 WAC

PRACTICE AND PROCEDURE

WAC

246-08-400

How much can a medical provider charge for searching and duplicating medical records?

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than ninety-one cents per page for the first thirty pages;

(b) No more than sixty-nine cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a twenty-one dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) This section is effective July 1, 2005, through June 30, 2007.

(4) HIPAA covered entities: See HIPAA regulation Section 164.524 (c)(4) to determine applicability of this rule.

[Statutory Authority: RCW 70.02.010(12) and 43.70.040. 05-12-013, § 246-08-400, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 70.02.010(12), 43-70-040 [43.70.040] and 70.02.900. 03-14-036, § 246-08-400, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 70.02.010 and 43.70.040. 01-16-009, § 246-08-400, filed 7/19/01, effective 8/19/01; 99-13-083, § 246-08-400, filed 6/14/99, effective 7/15/99. Statutory Authority: RCW 70.02.010(12) and 43.70.040. 97-12-087, § 246-08-400, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040 and 70.02.101(12). 95-20-080, § 246-08-400, filed 10/4/95, effective 11/4/95.]

Chapter 246-100 WAC COMMUNICABLE AND CERTAIN OTHER DISEASES

WAC

246-100-011	Definitions.
246-100-072	Rules for notification of partners at risk of HIV infection.
246-100-166	Immunization of child care and school children against certain vaccine-preventable diseases.
246-100-202	Special diseases—Sexually transmitted diseases—Duties and authorities.
246-100-203	Special diseases—Sexually transmitted diseases—Health officer orders.
246-100-204	Special diseases—Human immunodeficiency virus (HIV)—Absence of HIV as an occupational qualification.
246-100-205	Special diseases—HIV—Testing and counseling following occupational exposure.
246-100-206	Special diseases—HIV—Testing and counseling of jail detainees.
246-100-207	Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting.
246-100-208	Counseling standard—AIDS counseling.
246-100-209	Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV post-test counseling.

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Anonymous HIV testing" means that the name or identity of the individual tested for HIV will not be recorded or linked to the HIV test result. However, once the individual testing positive receives HIV health care or treatment services, reporting of the identity of the individual to the state or local public health officer is required.

(4) "Board" means the Washington state board of health.

(5) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(6) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(7) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(8) "Confidential HIV testing" means that the name or identity of the individual tested for HIV will be recorded and linked to the HIV test result, and that the name of the individual testing positive for HIV will be reported to the state or local health officer in a private manner.

(9) "Contaminated" or "contamination" means containing or having contact with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.

[(10)] "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

(11) "Department" means the Washington state department of health.

(12) "Detention" or "detainment" means physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

(13) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent transmission of the infectious agent to humans.

(14) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

(15) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

(16) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4 + (T4) lymphocyte counts (CD4 + counts) and CD4 + (T4) percents of total lymphocytes (CD4 + percents) when used to diagnose HIV infection, CD4 + counts and CD4 + percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

(17) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

(18) "Isolation" means the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.

(19) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

(20) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department, or his or her delegee appointed by the local board of health.

(21) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

(22) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(23) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and

(e) Appropriate referral for other community support services.

(24) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

(25) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

(26) "Quarantine" means the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed.

(27) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

(28) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia trachomatis infection;

(d) Genital and neonatal herpes simplex;

(e) Genital human papilloma virus infection;

(f) Gonorrhea;

(g) Granuloma inguinale;

(h) Hepatitis B infection;

(i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);

(j) Lymphogranuloma venereum;

(k) Nongonococcal urethritis (NGU); and

(l) Syphilis.

(29) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

(30) "State health officer" means the person designated by the secretary of the department to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

(31) "Suspected case" or "suspected to be infected" means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular

infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

(32) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-011, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050 and 70.05.060. 03-06-003, § 246-100-011, filed 2/19/03, effective 2/19/03. Statutory Authority: RCW 43.20.050. 00-23-120, § 246-100-011, filed 11/22/00, effective 12/23/00. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-011, filed 7/21/97, effective 7/21/97. Statutory Authority: Chapter 70.24 RCW. 93-08-036 (Order 354B), § 246-100-011, filed 4/1/93, effective 5/2/93. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-011, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-011, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-07-095 (Order 325), § 248-100-011, filed 3/22/89; 88-17-057 (Order 317), § 248-100-011, filed 8/17/88. Statutory Authority: RCW 43.20.050. 88-07-063 (Order 308), § 248-100-011, filed 3/16/88; 87-11-047 (Order 302), § 248-100-011, filed 5/19/87.]

WAC 246-100-072 Rules for notification of partners at risk of HIV infection. (1) A local health officer or authorized representative shall:

(a) Within seven days of receipt of a report indicative of a previously unreported case of HIV infection, contact the principal health care provider to determine the best means and the necessity of conducting a partner notification case investigation; and

(b) Contact the HIV-infected person for the purpose of providing assistance in notifying sex or injection equipment-sharing partners, including spouses, that they may have been exposed to and infected with HIV and that they should seek HIV pretest counseling and HIV testing, unless:

(i) The principal health care provider recommends that the state or local health officer not meet with the HIV-infected individual for the purpose of notifying partners, including spouses; or

(ii) The local health officer determines a partner notification case investigation is not necessary;

(c) Provide assistance notifying partners in accordance with the "*HIV Partner Counseling and Referral Services—Guidance*" as published by the Centers for Disease Control and Prevention, December 1998.

(2) If the local health officer decides to conduct the partner notification case investigation, the principal health care provider:

(a) May provide recommendations to the state or local health officer on the best means of contacting the HIV-infected individual for the purpose of notifying sex or injection equipment-sharing partners, including spouses, that partners may have been exposed to and infected with HIV and that partners should seek HIV pretest counseling and HIV testing; and

(b) Shall inform the HIV-infected person that the local health officer or authorized representative will contact the HIV-infected person for the purpose of providing assistance with the notification of partners.

(3) If the principal health care provider recommends that the state or local health officer not meet with the HIV-

infected individual for the purpose of notifying partners, including spouses, the principal health care provider shall:

(a) Inform the HIV-infected individual of the necessity to notify sex and injection equipment-sharing partners, including spouses, that they have been exposed to and may be infected with HIV and should seek HIV testing; and

(b) Provide assistance notifying partners in accordance with the "*HIV Partner Counseling and Referral Services—Guidance*" as published by the Centers for Disease Control and Prevention, December 1998; and

(c) Inform the local health officer or an authorized representative of the identity of sex or injection equipment-sharing partners known to the provider when the HIV-infected individual either refuses or is unable to notify such partners and confirm notification to the health care provider; and

(d) Upon request of the state or local health officer, report the number of exposed partners, including spouses that have been contacted and offered HIV testing.

(4) A health care provider shall not disclose the identity of an HIV-infected individual or the identity of sex and injection equipment-sharing partners, including spouses, at risk of HIV infection, except as authorized in RCW 70.24.105 or WAC 246-100-072.

(5) Local health officers and authorized representatives shall:

(a) Use identifying information, provided according to this section, on HIV-infected individuals only for:

(i) Contacting the HIV-infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners, including spouses; or

(ii) Carrying out an investigation of conduct endangering the public health or of behaviors presenting an imminent danger to the public health pursuant to RCW 70.24.022 or 70.24.024; and

(b) Destroy documentation of referral information established under this subsection, containing identities and identifying information on the HIV-infected individual and at-risk partners of that individual, immediately after notifying partners or within three months of the date information was received, whichever occurs first unless such documentation is being used in an active investigation of conduct endangering the public health or of behaviors presenting an imminent danger to the public health pursuant to RCW 70.24.022 or 70.24.024.

(6) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual and the need for notification of partners at any time.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-072, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.125 and 70.24.130. 99-17-077, § 246-100-072, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-072, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-072, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-072, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-02-008 (Order 324), § 248-100-072, filed 12/27/88.]

WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases. (1) Purpose. Under the authority of RCW 43.20.050

and 28A.210.140, the state board of health is empowered to adopt rules to establish immunization requirements upon entry into school and child care. The following rule improves the public health of Washington by preventing vaccine-preventable disease outbreaks.

(2) Definitions. The words and phrases in this section have the following meanings:

(a) Certificate of immunization status (CIS) means:

(i) A certificate of immunization status form approved by the department; or

(ii) A CHILD profile immunization record; or

(iii) Any other immunization form approved by the department.

(b) "Chief administrator" means:

(i) The person with the authority and responsibility for supervising the immediate operation of a school or child care; or

(ii) A person designated in writing by the statutory or corporate board of directors of the school district or school; or

(iii) In the absence of the above, a person or persons with the authority and responsibility for supervising the general operation of the school district.

(c) "Child" means any person regardless of age admitted to:

(i) Any public school district; or

(ii) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060; or

(iii) Any child care center.

(d) "Child care center" means any licensed facility or center that regularly provides care of children for periods of less than twenty-four hours per day subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(e) "Conditional status" is a type of immunization status where a child is not fully immunized under (g) of this subsection and is in the process of completing the required immunizations for his/her age.

(f) "Exemption" is a type of immunization status where a child is not fully immunized under (g) of this subsection and meets school and child care documentation requirements under subsection (4)(b)(i) of this section.

(g) "Full immunization" or "fully immunized" is an immunization status where a child has been vaccinated at ages and intervals consistent with the national immunization guidelines, with immunizing agents against:

(A) Diphtheria;

(B) Tetanus;

(C) Pertussis (whooping cough);

(D) Poliomyelitis;

(E) Measles (rubeola);

(F) Mumps;

(G) Rubella;

(H) Hepatitis B;

(I) Haemophilus influenzae type B disease; and

(J) Varicella for children under thirteen years of age, admitted to school or child care after July 1, 2006.

(h) "Immunizing agent" means any vaccine or other immunologic drug licensed and approved by the United States Food and Drug Administration (FDA), or meeting

World Health Organization (WHO) requirements, for immunization of persons against vaccine-preventable diseases.

(i) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county or combined county health district.

(j) "National immunization guidelines" means the schedule for the immunization described in the "Recommended Childhood and Adolescent Immunization Schedule: United States—2005" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(k) "Parent" means, for the purposes of signature requirements in this rule:

(i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or

(ii) A person eighteen years of age or older; or

(iii) An emancipated minor.

(l) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

(3) Documentation of immunization status required by schools and child care center.

(a) Schools and child care centers shall require documented proof of immunization status in the form of a CIS.

(b) The CIS form must include:

(i) Name of child or student;

(ii) Birth date;

(iii) Type of vaccine(s) administered;

(iv) Month, day, and year of each dose of vaccine received;

(v) Documentation of immunization status to indicate:

(A) Full immunization under subsection (2)(g) of this section; or

(B) Conditional status under subsection (2)(e) of this section; or

(C) Exemption under subsection (2)(f) of this section;

(vi) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the child may be excluded from school or child care for the duration of the outbreak;

(vii) Parent signature.

(c) As proof of a child's immunization status against varicella, schools and child care centers may accept one of the following:

(i) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(ii) Documentation by the parent that a child has a history of varicella; or

(iii) Serologic proof of immunity against varicella.

(4) Duty of schools and child care centers.

(a) Schools and child care centers shall require a CIS form, signed by parents, for new enrollees registering for admission into kindergarten through grade twelve or child care as a requirement of admission.

(b) Full immunization is required upon admission unless:

(i) Parent(s) sign and submit a CIS form indicating a medical exemption.

(A) A permanent medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization under subsection (2)(g) of this section.

(B) If immunizations are deferred on a temporary basis, the student must receive the required immunizations upon expiration of the exemption.

(ii) Parent(s) sign and submit a CIS form indicating a religious or philosophical, or personal exemption.

(iii) Parent(s) sign and submit a CIS form indicating conditional status if there is evidence of satisfactory progress toward full immunization, including:

(A) Documentation of start or continuance towards full immunization status;

(B) Documentation that immunizations received are consistent with the National Immunization Guidelines defined in subsection (2)(j) of this section; and

(C) Documentation of when the next immunization is due.

(c) Schools and child care centers maintenance of child immunization records:

(i) Schools and child care centers shall keep a department approved CIS for each enrolled child.

(ii) Schools and child care centers shall keep a list of children with medical, religious, philosophical, or personal exemptions.

(iii) The chief administrator shall retain records for at least three years on a child who is excluded from school under this section. The record must include the child's name, address, and date of exclusion.

(d) Schools and child care centers shall transmit the list of children with medical, religious, philosophical, or personal exemptions to the local health department upon request.

(e) A school or child care center shall return the department approved CIS or a legible copy to the parent if the child is withdrawn from school or child care or transferred from the school.

(f) A school or child care center may not withhold a child's department approved CIS for any reasons, including nonpayment of school child care fees.

(g) A school or child care center shall provide access to immunization records to agents of the state or local health department of each child enrolled.

(h) The chief administrator of a school or child care center shall submit a school immunization status report under chapter 28A.210 RCW either electronically on the internet or on the school immunization status report provided by the department. The report must be:

(i) Submitted to the department by November 1 of each year;

(ii) If a school opens after October 1, the report is due thirty days from the first day of school.

(5) Persons or organizations administering immunizations, either public or private shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

(6) A school or child care center shall exclude a child if one or more of the following applies:

(a) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance. Schools must use procedures consistent with Title 180 WAC.

(b) A child admitted under conditional status has not received the required immunization(s) within one month from the date due for completion of the next dose.

(c) A child has been admitted under a medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child has not received the immunization within one month from the due date for completion of the next dose.

(7) A local health officer may exclude a child from school or child care under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

(a) Medical exemption;

(b) Conditional status;

(c) Religious exemption;

(d) Philosophical exemption; or

(e) Personal exemption.

(8) Implementation.

(a) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(i) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this section; and

(ii) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(b) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(i) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

(ii) Identify a specific vaccine-preventable disease or immunizing agent;

(iii) Identify a specific cohort of children by age or grade level;

(iv) Be limited in duration; and

(v) Be approved by the board.

[Statutory Authority: RCW 28A.210.140, 05-16-051, § 246-100-166, filed 7/28/05, effective 8/28/05; 05-08-094, § 246-100-166, filed 4/1/05, effective 5/2/05; 96-04-079, § 246-100-166, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 28A.210.140 and 43.20.050, 91-15-066 (Order 182B), § 246-100-166, filed 7/22/91, effective 8/22/91. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-100-166, filed 12/27/90, effective 1/31/91; 88-07-063 (Order 308), § 248-100-166, filed 3/16/88.]

WAC 246-100-202 Special diseases—Sexually transmitted diseases—Duties and authorities. (1) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-101 WAC; and

(b) At each medical encounter, when providing treatment for an infectious sexually transmitted disease, provide instruction, appropriate to each patient regarding:

(i) Communicability of the disease; and

(ii) Requirements to refrain from acts that may transmit the disease to another; and

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submitting a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit; and

(ii) Deciding whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy; and

(d) When diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum, reporting the case to the local health officer or local health department in accordance with the provisions of chapter 246-101 WAC; and

(e) When attending or assisting in the birth of any infant or caring for an infant after birth, ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(2) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(3) State and local health officers or their authorized representatives shall have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease.

(a) For the purpose of this section, "reasonable belief" and "reasonably believed" shall mean a health officer's belief based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD;

(b) Investigations shall be conducted using procedures and measures described in WAC 246-100-036(4).

(4) Local health officers, health care providers, and others shall comply with the provisions in chapter 70.24 RCW, in addition to requirements in chapters 246-100 and 246-101 WAC.

(5) Any person who violates a rule adopted by the board for the control and treatment of a sexually transmitted disease is subject to penalty under RCW 70.24.080.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-202, filed 5/18/05, effective 6/18/05.]

WAC 246-100-203 Special diseases—Sexually transmitted diseases—Health officer orders. (1) A state or local health officer within his or her jurisdiction may, in accor-

dance with RCW 70.24.024, issue orders for medical examination, testing, and/or counseling, as well as orders to cease and desist specific activities, when he or she knows or has reason to believe that a person has a sexually transmitted disease and is engaging in conduct endangering the public health.

(a) For purposes of this section, "reason to believe" means a health officer's belief that is based on:

(i) Laboratory test results confirming or suggestive of a STD; or

(ii) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(iii) Information obtained directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(A) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(B) The contact was sufficient to transmit the disease; and

(C) The infected individual is, in the health officer's judgment, credible and believable.

(b) "Conduct endangering the public health" for the purposes of RCW 70.24.024 and this section, means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in (b)(i) and (ii) of this subsection resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(c) State and local health officers and their authorized representatives shall have authority to issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) They have sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) They have investigated and confirmed the existence of "conduct endangering the public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) They have incorporated all information required in RCW 70.24.024 in a written order.

(d) State and local health officers and their authorized representatives shall have authority to issue written orders for treatment under RCW 70.24.022 only after laboratory test

results or direct observation of clinical signs or assessment of clinical data by a physician confirm the individual has, or is likely to have, a sexually transmitted disease.

(e) State and local health officers and their authorized representatives shall have authority to issue written orders to cease and desist from specified activities under RCW 70.24.024 only after:

(i) They have determined the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) They have exhausted procedures described in subsection (8)(a) of this section; and

(iv) They have enlisted, if appropriate, court enforcement of the orders described in (c) and (d) of this subsection.

(f) Written orders to cease and desist from specified activities shall be for an initial period of time not to exceed three months, and may be renewed by the health officer for periods of time not to exceed three months provided all requirements of RCW 70.24.024 regarding notification, confidentiality, right to a judicial hearing, and right to counsel are met again at the time of renewal.

(2) A state or local health officer within his or her jurisdiction may, in accordance with RCW 70.24.034, bring action in superior court to detain a person in a designated or approved facility when he or she knows or has reason to believe that person has a sexually transmitted disease and continues to engage in behaviors that present an imminent danger to the public health.

(a) "Behaviors that present an imminent danger to public health" or "BPID" for the purposes of detention in accordance with RCW 70.24.034 and this section means the following activities, under conditions specified below, performed by an individual with a laboratory-confirmed HIV infection:

(i) Anal or vaginal intercourse without a latex condom; or

(ii) Shared use of blood-contaminated injection equipment;

(iii) Donating or selling HIV-infected blood, blood products, or semen; and

(iv) Activities described in (a)(i) and (ii) of this subsection constitute BPID only if:

(A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities; and

(B) The infected individual did not inform the persons with whom the activities occurred of his or her infectious status.

(b) State and local health officers and their authorized representatives shall have authority to seek court orders for detainment under RCW 70.24.034 only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (1) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in BPID.

(c) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for BPID are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(d) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in this subsection. The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsection (9)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with (e), (f), and (g) of this subsection; and

(iii) Provide to the court an individualized plan for education and counseling consistent with (f) of this subsection.

(e) State board of health requirements for detainment of individuals demonstrating BPID include:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation;

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with (g) of this subsection;

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(f) Washington state board of health standards for an individualized counseling and education plan for a detainee:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a postgraduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after postgraduate education with a primary focus on individualized behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW;

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(g) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in (e)(i), (ii), (iii), (iv), and (v) of this subsection:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-203, filed 5/18/05, effective 6/18/05.]

WAC 246-100-204 Special diseases—Human immunodeficiency virus (HIV)—Absence of HIV as an occupational qualification. For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(1) No adequate barrier protection is practical; and

(2) Determined only on case-by-case basis consistent with RCW 49.60.180.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-204, filed 5/18/05, effective 6/18/05.]

WAC 246-100-205 Special diseases—HIV—Testing and counseling following occupational exposure. A person who has experienced a substantial exposure to another person's bodily fluids in a manner that presents a possible risk of transmission of HIV, and who is exposed while engaged in a category of employment determined to be at risk of substantial exposure to HIV, may ask a state or local health officer to order pretest counseling, HIV testing, and post-test counseling of the person who was the source of the bodily fluids in accordance with RCW 70.24.340.

(1) Substantial exposure that presents a possible risk of transmission shall be limited to:

(a) A physical assault upon the exposed person involving blood or semen;

(b) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person; or

(c) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(2) The alleged exposure must have occurred on the job while the individual was employed or acting as an authorized volunteer in one of the following employment categories that are at risk of substantial exposure to HIV:

(a) Law enforcement officer;

(b) Fire fighter;

(c) Health care provider;

(d) Staff of health care facilities;

(e) Funeral director; or

(f) Embalmer.

(3) The health officer shall:

(a) Determine that the alleged exposure meets the criteria established in this section for substantial exposure that presents a possible risk of transmission; and

(b) Ensure that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(c) Arrange for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(d) Ensure that records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

(4) The health officer, as a precondition for ordering counseling and testing of the person who was the source of the bodily fluids, may require that the exposed individual agree to be tested for HIV if such testing is determined appropriate by the health officer.

(5) This section does not apply to the department of corrections or to inmates in its custody or subject to its jurisdiction.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-205, filed 5/18/05, effective 6/18/05.]

WAC 246-100-206 Special diseases—HIV—Testing and counseling of jail detainees. Jail administrators, with the approval of the local public health officer, may order pre-test counseling, HIV testing and post-test counseling of a jail detainee in accordance with RCW 70.24.360, provided that the local public health officer determines that the detainee's actual or threatened behavior presents a possible risk to the staff, general public, or other persons.

(1) Actual behaviors present a possible risk if they result in "exposure presenting a possible risk" and involve one of the following actions:

(a) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(b) Physical assault; or

(c) Sharing of injection equipment or sharp implements; or

(d) Throwing or smearing of blood, semen, or vaginal fluids; or

(2) Threatened behaviors present a "possible risk" if:

(a) The threatening individual states he or she is infected with HIV; and

(b) The threatened behavior is listed in subsection (1)(a), (b), (c), or (d) of this section; and

(c) The threatened behavior could result in "exposure presenting a possible risk."

(3) For purposes of subsections (1) and (2) of this section, "exposure presenting possible risk" means one or more of the following:

(a) Introduction of blood, semen, or vaginal fluids into:

(i) A body orifice or a mucous membrane;

(ii) The eye; or

(iii) An open cut, wound, lesion, or other interruption of the epidermis.

(b) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(4) Jail administrators may order pretest counseling, post-test counseling, and HIV testing only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in this section for behaviors presenting a "possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-206, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.380. 02-12-106, § 246-100-206, filed 6/5/02, effective 7/6/02. Statutory Authority: RCW 70.24.125 and 70.24.130. 99-17-077, § 246-100-206, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-206, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-206, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-206, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-07-095 (Order 325), § 248-100-206, filed 3/22/89; 88-21-093 (Order 322), § 248-100-206, filed 10/19/88; 88-17-056 (Order 316), § 248-100-206, filed 8/17/88. Statutory Authority: RCW 43.20.050. 87-11-047 (Order 302), § 248-100-206, filed 5/19/87.]

WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section or provided under WAC 246-100-208(1), shall:

(a) Provide a brief evaluation of both behavioral and clinical HIV risk factors; and

(b) Unless the person has been previously tested and declines receipt of information, explicitly provide verbal or written information that is culturally, linguistically, developmentally and, medically appropriate to the individual being tested regarding HIV including:

(i) The benefits of learning HIV status and the potential dangers of the disease; and

(ii) A description of ways in which HIV is transmitted and ways in which it can be prevented; and

(iii) The meaning of HIV test results and the importance of obtaining test results; and

(iv) As appropriate, the availability of anonymous HIV testing and the differences between anonymous testing and confidential testing; and

(c) Obtain or ensure explicit verbal or written informed consent of the individual to be tested prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW and document the consent of the individual being tested; and

(d) Recommend and offer or refer for pretest counseling described under WAC 246-100-209 to any person requesting pretest counseling and to any person determined to be at increased risk for HIV as defined by Federal Centers for Disease Control and Prevention published in *Revised Guidelines for HIV Counseling, Testing and Referral, November 9, 2001*. The individual's decision to refuse pretest counseling is not grounds for denying HIV testing; and

(e) Provide or refer for other appropriate prevention, support or medical services, including Hepatitis services; and

(f) Provide or ensure successful completion of referral for post-test counseling described under WAC 246-100-209 if the HIV test is positive for or suggestive of HIV infection; and

(g) In the event that the individual tests positive, had a confidential test, and fails to return for post-test counseling, provide the name of the individual and locating information to the local health officer for follow-up to provide post-test counseling as required by WAC 246-100-209(2).

(2) Any person authorized to order or prescribe an HIV test for another may offer anonymous HIV testing without restriction.

(3) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations;

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session; and

(d) Inform the individual that the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer.

(4) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;

(ii) Behaviors placing a person at risk for HIV infection;

(iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) That the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer; and

(iii) Requirements under subsection (4)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209(2) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the state or local health department for interpretation and post-test counseling.

(5) Laboratories and other places where HIV testing is performed must demonstrate compliance with all of the requirements in the Medical test site rules, chapter 246-338 WAC.

(6) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) The test or sequence of tests has been approved by the United States Food and Drug Administration (FDA) or the Federal Centers for Disease Control and Prevention as a confirmed positive test result; and

(b) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

(8) Persons may inform a tested individual of the unconfirmed reactive results of an FDA-approved rapid HIV test provided the test result is interpreted as preliminarily positive for HIV antibodies, and the tested person is informed that:

(a) Further testing is necessary to confirm the reactive screening test result;

(b) The meaning of reactive screening test result is explained in simple terms, avoiding technical jargon;

(c) The importance of confirmatory testing is emphasized and a return visit for confirmatory test results is scheduled; and

(d) The importance of taking precautions to prevent transmitting infection to others while awaiting results of confirmatory testing is stressed.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-207, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.380. 02-12-106, § 246-100-207, filed 6/5/02, effective 7/6/02. Statutory Authority: RCW 70.24.125 and 70.24.130. 99-17-077, § 246-100-207, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.380. 97-04-041, § 246-100-207, filed 1/31/97, effective 3/3/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-207, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-207, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW and RCW 70.24.130. 89-20-006 (Order 334), § 248-100-207, filed 9/22/89, effective 10/23/89. Statutory Authority: Chapter 70.24 RCW. 89-14-003 (Order 329), § 248-100-207, filed 6/22/89; 88-17-058 (Order 318), § 248-100-207, filed 8/17/88.]

WAC 246-100-208 Counseling standard—AIDS counseling. (1) Principal health care providers shall counsel or ensure AIDS counseling for each pregnant woman continuing the pregnancy. This subsection shall not apply when

health care is sought in order to terminate a pregnancy or as a result of a terminated pregnancy. "AIDS counseling" for a pregnant woman means:

(a) Performing a risk screening that includes an assessment of sexual and drug use history as part of the intake process;

(b) Providing written or verbal information on HIV infection that at a minimum includes:

(i) All pregnant women are recommended to have an HIV test;

(ii) HIV is the cause of AIDS and how HIV is transmitted;

(iii) A woman may be at risk for HIV infection, and not know it;

(iv) The efficacy of treatments to reduce vertical transmission;

(v) The availability of anonymous testing, and why confidential testing is recommended for pregnant women;

(vi) The need to report HIV infection;

(vii) Public funds are available to assist eligible HIV-infected women receive medical care and other assistance; and

(viii) Women who decline testing will not be denied care for themselves or their infants;

(c) Obtaining the informed consent of the pregnant woman, separately or as part of the consent for a battery of other routine tests provided that the woman is specifically informed in writing or verbally that a test for HIV is included;

(d) Providing HIV testing unless the pregnant woman refuses to give consent;

(e) If the pregnant woman refuses a confidential test, discussing and addressing reasons for refusal and document in the medical record that refusal and the provision of education on the benefits of HIV testing;

(f) If the risk screening indicates, providing or referring for behavioral change counseling for women who:

(i) Have or recently have had a sexual partner(s) who is known to be HIV infected or is a man who has sex with another man or is an injection drug user;

(ii) Uses or recently have used injection drugs;

(iii) Have signs or symptoms of HIV seroconversion;

(iv) Currently have or recently have exchanged sex for drugs or money or had a sexually transmitted disease or had multiple sex partners; or

(v) Express a need for further, more intensive counseling; and

(g) Basing the behavioral change counseling on the standards defined in WAC 246-100-209 and the recommendations of the federal Centers for Disease Control and Prevention published in *Revised Guidelines for HIV Counseling, Testing and Referral*, and *Revised Recommendations for HIV Screening of Pregnant Women*, November 9, 2001; and

(h) Offering referrals and providing follow-up to other necessary medical, social and HIV prevention services.

(2) Health care providers may obtain a sample brochure addressing the elements of subsection (1)(b) of this section by contacting the department of health's HIV prevention program at P.O. Box 47840, Olympia, WA 98504-7840.

(3) Principal health care providers shall counsel or ensure AIDS counseling as defined in WAC 246-100-011(2)

and offer and encourage HIV testing for each patient seeking treatment of a sexually transmitted disease.

(4) Drug treatment programs under chapter 70.96A RCW shall provide or ensure provision of AIDS counseling as defined in WAC 246-100-011(2) for each person in a drug treatment program.

(5) Health care providers, persons, and organizations providing AIDS counseling in subsections (3) and (4) of this section shall:

(a) Assess the behaviors of each individual counseled for risk of acquiring and transmitting human immunodeficiency virus (HIV);

(b) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, linguistically, and developmentally appropriate to the individual being counseled.

(c) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(d) Offer or refer for HIV testing and provide or ensure provision of personalized risk reduction education to individuals who are determined to be at increased risk for HIV as defined by Federal Centers for Disease Control and Prevention published in *Revised Guidelines for HIV Counseling, Testing and Referral*, November 9, 2001.

(6) Persons and organizations providing AIDS counseling may provide additional or more comprehensive counseling than required in this section.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-208, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.380. 02-12-106, § 246-100-208, filed 6/5/02, effective 7/6/02. Statutory Authority: RCW 70.24.125 and 70.24.130. 99-17-077, § 246-100-208, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-208, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-208, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 88-17-058 (Order 318), § 248-100-208, filed 8/17/88.]

WAC 246-100-209 Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV post-test counseling.

(1) Health care providers and other persons providing pretest counseling shall assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk-behaviors and unique circumstances, and as appropriate;

(a) Base counseling on the recommendations of the Federal Centers for Disease Control and Prevention as published in the *Revised Guidelines for HIV Counseling, November 2001*; and

(b) Assist the individual to set a realistic behavior-change goal and establish strategies for reducing their risk of acquiring or transmitting HIV; and

(c) Provide appropriate risk reduction skills-building opportunities to support the behavior change goal; and

(d) Provide or refer for other appropriate prevention, support or medical services, including those services for other bloodborne pathogens.

(2) Health care providers and other persons providing post-test counseling shall:

(a) For all individuals tested for HIV, offer at least one individual counseling session at the time HIV test results are disclosed consistent with the requirements in subsection (1) of this section; and

(b) If the individual being counseled tested positive for HIV infection:

(i) Provide or arrange for at least one individual in-person counseling session consistent with the requirements in subsection (1) of this section;

(ii) Unless testing was anonymous, inform the individual that the identity of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer;

(iii) Ensure compliance with the partner notification provisions contained in WAC 246-100-072, and inform the tested person of those requirements;

(iv) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

(v) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and

(vi) Provide or refer for medical evaluation including services for other bloodborne pathogens, antiretroviral treatment, HIV prevention and other support services; and

(vii) Provide or refer for tuberculosis screening.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-100-209, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.125 and 70.24.130. 99-17-077, § 246-100-209, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-209, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-209, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-209, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-02-008 (Order 324), § 248-100-209, filed 12/27/88; 88-17-058 (Order 318), § 248-100-209, filed 8/17/88.]

Chapter 246-101 WAC NOTIFIABLE CONDITIONS

WAC

246-101-015	Provisional condition notification.
246-101-101	Notifiable conditions and the health care provider.
246-101-201	Notifiable conditions and laboratories.
246-101-301	Notifiable conditions and health care facilities.
246-101-505	Duties of the local health officer or the local health department.
246-101-520	Special conditions—AIDS and HIV.

WAC 246-101-015 Provisional condition notification. This section describes how conditions can become notifiable; what period of time conditions are provisionally notifiable; what analyses must be accomplished during provisional notification status; the transition of provisionally notifiable conditions to permanent notification or deletion of notification requirements. The department's goal for provisionally notifiable conditions is to collect enough information to determine whether requiring notification improves public health.

(1) The state health officer may:

(a) Request reporting of cases and suspected cases of disease and conditions in addition to those required in Tables HC-1, Lab-1, and HF-1 on a provisional basis for a period of time less than forty-eight months when:

(i) The disease or condition is newly recognized or recently acknowledged as a public health concern;

(ii) Epidemiological investigation based on notification of cases may contribute to understanding of the disease or condition;

(iii) There is reason to expect that the information acquired through notification will assist the state and/or local health department to design or implement intervention strategies that will result in an improvement in public health; and

(iv) Written notification is provided to all local health officers regarding:

(A) Additional reporting requirements; and

(B) Rationale or justification for specifying the disease or condition as notifiable.

(b) Request laboratories to submit specimens indicative of infections in addition to those required in Table Lab-1 on a provisional basis for a period of time less than forty-eight months, if:

(i) The infection is of public health concern;

(ii) The department has a plan for using data gathered from the specimens; and

(iii) Written notification is provided to all local health officers and all laboratory directors explaining:

(A) Actions required; and

(B) Reason for the addition.

(2) Within forty months of the state health officer's designation of a condition as provisionally notifiable in subsection (1) of this section, or requests for laboratories to submit specimens indicative of infections in subsection (2) of this section, the department will conduct an evaluation for the notification requirement that:

(a) Estimates the societal cost resulting from the provisionally notifiable condition;

(i) Determine the prevalence of the provisional notifiable condition; and

(ii) Identify the quantifiable costs resulting from the provisionally notifiable condition; and

(iii) Discuss the qualitative costs resulting from the provisionally notifiable condition.

(b) Describes how the information was used and how it will continue to be used to design and implement intervention strategies aimed at combating the provisionally notifiable condition;

(c) Verifies the effectiveness of previous intervention strategies at reducing the incidence, morbidity, or mortality of the provisional notifiable condition;

(d) Identifies the quantitative and qualitative costs of the provisional notification requirement;

(e) Compares the costs of the provisional notification requirement with the estimated cost savings resulting from the intervention based on the information provided through the provisional notification requirement;

(f) Describes the effectiveness and utility of using the notifiable conditions process as a mechanism to collect these data; and

(g) Describes that a less burdensome data collection system (example: Biennial surveys) would not provide the information needed to effectively establish and maintain the intervention strategies.

(3) Based upon the evaluation in subsection (2) of this section, the board will assess results of the evaluation after

the particular condition is notifiable or the requirement for laboratories to submit specimens indicative of infections has been in place for no longer than forty months. The board will determine based upon the results of the evaluation whether the provisionally notifiable condition or the requirement for laboratories to submit specimens indicative of infections should be:

(a) Permanently notifiable in the same manner as the provisional notification requirement;

(b) Permanently notifiable in a manner that would use the evaluation results to redesign the notification requirements; or

(c) Deleted from the notifiable conditions system.

(4) The department shall have the authority to declare an emergency and institute notification requirements under the provisions of RCW 34.05.350.

[Statutory Authority: RCW 43.20.050, 70.24.125, 05-03-055, § 246-101-015, filed 1/11/05, effective 2/11/05. Statutory Authority: RCW 43.20.050, 00-23-120, § 246-101-015, filed 11/22/00, effective 12/23/00.]

WAC 246-101-101 Notifiable conditions and the health care provider. This section describes the conditions that Washington's health care providers must notify public health authorities of on a statewide basis. The board finds that the conditions in the table below (Table HC-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington. Principal health care providers shall notify public health authorities of these conditions as individual case reports using procedures described throughout this chapter. Other health care providers in attendance shall notify public health authorities of the following notifiable conditions, unless the condition notification has already been made. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-105, 246-101-110, 246-101-115, and 246-101-120 also include requirements for how notifications shall be made, when they shall be made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table HC-1 (Conditions Notifiable by Health Care Providers)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 work days	√	
Animal Bites	Immediately	√	
Arboviral Disease	Within 3 work days	√	
Asthma, occupational	Monthly		√
Birth Defects – Autism Spectrum Disorders	Monthly		√
Birth Defects – Cerebral Palsy	Monthly		√
Birth Defects – Alcohol Related Birth Defects	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	Immediately	√	
Campylobacteriosis	Within 3 work days	√	
Chancroid	Within 3 work days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 work days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 work days	√	
Cyclosporiasis	Within 3 work days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin (including): • Anthrax • Smallpox	Immediately	√	
Disease of suspected foodborne origin (communicable disease clusters only)	Immediately	√	
Disease of suspected waterborne origin (communicable disease clusters only)	Immediately	√	
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin producing infections only) such as <i>E. coli</i> O157:H7 Infection	Immediately	√	
Giardiasis	Within 3 work days	√	
Gonorrhea	Within 3 work days	√	
Granuloma inguinale	Within 3 work days	√	
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within 3 work days	√	

Notifiable Conditions

246-101-101

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	Immediately	√	
Hepatitis B (acute infection)	Within 3 work days	√	
Hepatitis B surface antigen + pregnant women	Within 3 work days	√	
Hepatitis B (chronic) – Initial diagnosis, and previously unreported prevalent cases	Monthly	√	
Hepatitis C – Acute and chronic	Monthly	√	
Hepatitis (infectious), unspecified	Within 3 work days	√	
Herpes simplex, neonatal and genital (initial infection only)	Within 3 work days	√	
Human immunodeficiency virus (HIV) infection	Within 3 work days	√	
Legionellosis	Within 3 work days	√	
Leptospirosis	Within 3 work days	√	
Listeriosis	Immediately	√	
Lyme Disease	Within 3 work days	√	
Lymphogranuloma venereum	Within 3 work days	√	
Malaria	Within 3 work days	√	
Measles (rubeola)	Immediately	√	
Meningococcal disease	Immediately	√	
Mumps	Within 3 work days	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	Immediately	√	
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Pesticide poisoning (all other)	Within 3 work days		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
Psittacosis	Within 3 work days	√	
Q Fever	Within 3 work days	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (Including use of post-exposure prophylaxis)	Within 3 work days	√	
Relapsing fever (borreliosis)	Immediately	√	
Rubella (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	Immediately	√	
Serious adverse reactions to immunizations	Within 3 work days	√	
Shigellosis	Immediately	√	
Syphilis	Within 3 work days	√	
Tetanus	Within 3 work days	√	
Trichinosis	Within 3 work days	√	
Tuberculosis	Immediately	√	
Tularemia	Within 3 work days	√	
Typhus	Immediately	√	
Vibriosis	Within 3 work days	√	
Yellow fever	Immediately	√	
Yersiniosis	Within 3 work days	√	
Other rare diseases of public health significance	Immediately	√	
Unexplained critical illness or death	Immediately	√	

[Statutory Authority: RCW 43.20.050, 70.24.125, 05-03-055, § 246-101-101, filed 1/11/05, effective 2/11/05. Statutory Authority: RCW 43.20.050, 70.24.125 and 70.28.010, 00-23-120, § 246-101-101, filed 11/22/00, effective 12/23/00.]

WAC 246-101-201 Notifiable conditions and laboratories. This section describes the conditions about which Washington's laboratories must notify public health authorities of on a statewide basis. The board finds that the conditions in the table below (Table Lab-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington. The board also finds that submission of specimens for many of these conditions will further prevent the spread of disease. Laboratory directors shall notify public health authorities of positive cultures and preliminary test results as individual case reports and provide specimen submissions using procedures described

throughout this chapter. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-205, 246-101-210, 246-101-215, 246-101-220, 246-101-225, and 246-101-230 also include requirements for how notifications and specimen submissions are made, when they are made, the content of these notifications and specimen submissions, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table Lab-1 (Conditions Notifiable by Laboratory Directors)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
Arboviral Disease (Isolation; Detection of Viral Nucleic Acid or Antibody)	2 days	√		
Blood Lead Level	Elevated Levels – 2 Days Nonelevated Levels – Monthly		√	
Botulism (Foodborne)	Immediately	√		Serum and Stool - If available, submit suspect foods (2 days)
Botulism (Infant)	Immediately	√		Stool (2 days)
Botulism (Wound)	Immediately	√		Culture, Serum, Debrided tissue, or Swab sample (2 days)
Brucellosis (<i>Brucella</i> species)	2 days	√		Subcultures (2 days)
CD4+ (T4) lymphocyte counts less than 200 and/or CD4+ (T4) percents less than fourteen percent of total lymphocytes (patients aged thirteen or older)	Monthly	Only when the local health department is designated by the Department of Health	√	
<i>Chlamydia trachomatis</i> infection	2 days	√		
Cholera	Immediately	√		Culture (2 days)
Cryptosporidiosis	2 days	√		
Cyclosporiasis	2 days	√		Specimen (2 days)
Diphtheria	2 days	√		Culture (2 days)
Disease of Suspected Bioterrorism Origin (examples): • Anthrax • Smallpox	Immediately	√		Culture (2 days)
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin producing infections only) such as <i>E. coli</i> O157:H7 Infection	2 days	√		Culture (2 days)
Gonorrhea	2 days	√		
Hepatitis A (IgM positive)	2 days	√		
Hepatitis B	Monthly	√		
Hepatitis C	Monthly	√		

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
Human immunodeficiency virus (HIV) infection (including positive Western Blot assays, P24 antigen or viral culture tests)	2 days	Only when the local health department is designated by the Department of Health	√ (Except King County)	
Human immunodeficiency virus (HIV) infection (positive results on HIV nucleic acid tests (RNA or DNA))	Monthly	Only when the local health department is designated by the Department of Health	√ (Except King County)	
Listeriosis	2 days	√		
Measles (rubeola)	Immediately	√		Serum (2 days)
Meningococcal disease	2 days	√		Culture (Blood/CSF or other sterile sites) (2 days)
Pertussis	2 days	√		
Plague	Immediately	√		Culture or other appropriate clinical material (2 days)
Rabies (human or animal)	Immediately	√ (Pathology Report Only)		Tissue or other appropriate clinical material (Upon request only)
Salmonellosis	2 days	√		Culture (2 days)
Shigellosis	2 days	√		Culture (2 days)
Syphilis				Serum (2 days)
Tuberculosis	2 days		√	Culture (2 days)
Tuberculosis (Antibiotic sensitivity for first isolates)	2 days		√	
Tularemia				Culture or other appropriate clinical material (2 days)
Other rare diseases of public health significance	Immediately	√		

Additional notifications that are requested but not mandatory include:

(1) Laboratory directors may notify either local health departments or the department or both of other laboratory results through cooperative agreement.

(2) Laboratory directors may submit malaria cultures to the state public health laboratories.

[Statutory Authority: RCW 43.20.050, 70.24.125, 05-03-055, § 246-101-201, filed 1/11/05, effective 2/11/05. Statutory Authority: RCW 43.20.050, 70.24.125 and 70.28.010, 00-23-120, § 246-101-201, filed 11/22/00, effective 12/23/00.]

WAC 246-101-301 Notifiable conditions and health care facilities. This section describes the conditions that Washington's health care facilities must notify public health authorities of on a statewide basis. The board finds that the conditions in the table below (Table HF-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions.

Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction. Health care facilities are required to notify public health authorities of cases that occur in their facilities. Health care facilities may choose to assume the notification for their health care providers for conditions designated in Table HF-1. Health care facilities may not assume the reporting requirements of laboratories that are components of the health care facility. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-305, 246-101-310, 246-101-315, and 246-101-320 also include requirements for how notifications shall be made, when they are made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table HF-1 (Conditions Notifiable by Health Care Facilities)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 work days		√
Animal Bites	Immediately	√	
Arboviral Disease	Within 3 work days	√	

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Asthma, occupational	Monthly		√
Birth Defects – Abdominal Wall Defects (inclusive of gastroschisis and omphalocele)	Monthly		√
Birth Defects – Autism Spectrum Disorders	Monthly		√
Birth Defects – Cerebral Palsy	Monthly		√
Birth Defects – Down Syndrome	Monthly		√
Birth Defects – Alcohol Related Birth Defects	Monthly		√
Birth Defects – Hypospadias	Monthly		√
Birth Defects – Limb reductions	Monthly		√
Birth Defects – Neural Tube Defects (inclusive of anencephaly and spina bifida)	Monthly		√
Birth Defects – Oral Clefts (inclusive of cleft lip with/without cleft palate)	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	Immediately	√	
Cancer (<i>See chapter 246-430 WAC</i>)	Monthly		√
Chancroid	Within 3 work days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 work days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 work days	√	
Cyclosporiasis	Within 3 work days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin (including): • Anthrax • Smallpox	Immediately	√	
Disease of suspected foodborne origin (communicable disease clusters only)	Immediately	√	
Disease of suspected waterborne origin (communicable disease clusters only)	Immediately	√	
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin producing infections only) such as <i>E. coli</i> O157:H7 Infection	Immediately	√	
Giardiasis	Within 3 work days	√	
Gonorrhea	Within 3 work days	√	
Granuloma inguinale	Within 3 work days	√	
Gunshot wounds (nonfatal)	Monthly		√
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within 3 work days	√	
Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	Immediately	√	
Hepatitis B (acute infection)	Within 3 work days	√	
Hepatitis B surface antigen+ pregnant women	Within 3 work days	√	
Hepatitis B (chronic) – Initial diagnosis, and previously unreported prevalent cases	Monthly	√	
Hepatitis C – Acute and chronic	Monthly	√	
Hepatitis (infectious), unspecified	Within 3 work days	√	
Human immunodeficiency virus (HIV) infection	Within 3 work days	√	
Legionellosis	Within 3 work days	√	
Leptospirosis	Within 3 work days	√	
Listeriosis	Immediately	√	
Lyme Disease	Within 3 work days	√	

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Lymphogranuloma venereum	Within 3 work days	√	
Malaria	Within 3 work days	√	
Measles (rubeola)	Immediately	√	
Meningococcal disease	Immediately	√	
Mumps	Within 3 work days	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	Immediately	√	
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
Psittacosis	Within 3 work days	√	
Q Fever	Within 3 work days	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (Use of post-exposure prophylaxis)	Within 3 work days	√	
Relapsing fever (borreliosis)	Immediately	√	
Rubella (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	Immediately	√	
Serious adverse reactions to immunizations	Within 3 work days	√	
Shigellosis	Immediately	√	
Syphilis	Within 3 work days	√	
Tetanus	Within 3 work days	√	
Trichinosis	Within 3 work days	√	
Tuberculosis	Immediately	√	
Tularemia	Within 3 work days	√	
Typhus	Immediately	√	
Vibriosis	Within 3 work days	√	
Yellow fever	Immediately	√	
Yersiniosis	Within 3 work days	√	
Other rare diseases of public health significance	Immediately	√	
Unexplained critical illness or death	Immediately	√	

[Statutory Authority: RCW 43.20.050, 70.24.125, 05-03-055, § 246-101-301, filed 1/11/05, effective 2/11/05. Statutory Authority: RCW 43.20.050, 43.70.545, 70.24.125, 70.28.010 and 70.104.030, 00-23-120, § 246-101-301, filed 11/22/00, effective 12/23/00.]

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

- (1) Review and determine appropriate action for:
 - (a) Each reported case or suspected case of a notifiable condition;
 - (b) Any disease or condition considered a threat to public health; and
 - (c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary;
- (2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;
- (3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;
- (4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

(5) Distribute appropriate notification forms to persons responsible for reporting;

(6) Notify the principal health care provider, if possible, prior to initiating a case investigation by the local health department.

(7) Carry out the HIV partner notification requirements of WAC 246-100-072.

(8) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;

(9) Conduct investigations and institute control measures in accordance with chapter 246-100 WAC;

(10) The local health department may adopt alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;

(11) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;

(d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-101-505, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050 and 70.05.060. 03-06-003, § 246-101-505, filed 2/19/03, effective 2/19/03. Statutory Authority: RCW 43.20.050. 00-23-120, § 246-101-505, filed 11/22/00, effective 12/23/00.]

WAC 246-101-520 Special conditions—AIDS and HIV. (1) The local health officer and local health department personnel shall maintain individual case reports for AIDS and HIV as confidential records consistent with the requirements of this section. The local health officer and local health department personnel shall:

(a) Use identifying information on HIV-infected individuals only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; or

(iv) As specified in WAC 246-100-072.

(b) Destroy case report identifying information on asymptomatic HIV-infected individuals received as a result of this chapter within three months of receiving a complete case report.

(c) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first unless such documentation is being used in an investigation of conduct endangering the public health or of behaviors presenting an imminent danger to the public health pursuant to RCW 70.24.022 or 70.24.024.

(d) Not disclose identifying information received as a result of this chapter unless:

(i) Explicitly and specifically required to do so by state or federal law; or

(ii) Authorized by written patient consent.

(2) Local health department personnel are authorized to use HIV identifying information obtained as a result of this chapter only for the following purposes:

(a) Notification of persons with substantial exposure, including sexual or syringe-sharing partners;

(b) Referral of the infected individual to social and health services;

(c) Linkage to other public health data bases, provided that the identity or identifying information on the HIV-infected person is not disclosed outside of the health department; and

(d) Investigations pursuant to RCW 70.24.022 or 70.24.024.

(3) Public health data bases do not include health professions licensing records, certifications or registries, teacher certification lists, other employment rolls or registries, or data bases maintained by law enforcement officials.

(4) Local health officials will report asymptomatic HIV infection cases to the state health department according to a standard code developed by the state health department.

(5) Local health officers shall require and maintain signed confidentiality agreements with all health department employees with access to HIV identifying information. These agreements will be renewed at least annually and include reference to criminal and civil penalties for violation of chapter 70.24 RCW and other administrative actions that may be taken by the department.

(6) Local health officers shall investigate potential breaches of the confidentiality of HIV identifying information by health department employees. All breaches of confidentiality shall be reported to the state health officer or their designee for review and appropriate action.

[Statutory Authority: RCW 70.24.130 and 70.24.380. 05-11-110, § 246-101-520, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 43.20.050 and 70.24.125. 00-23-120, § 246-101-520, filed 11/22/00, effective 12/23/00.]

Chapter 246-130 WAC EARLY INTERVENTION PROGRAM

WAC

246-130-001	What is the early intervention program?
246-130-010	What definitions does the early intervention program use?
246-130-020	What early intervention program services are available?
246-130-030	How does the early intervention program pay a provider or benefits manager?
246-130-040	How do persons with HIV become eligible?
246-130-045	Does an early intervention program client need to notify the department of any changes in their eligibility?
246-130-060	Is information kept confidential?
246-130-080	What do clients do if they disagree with the department's decision about their eligibility or coverage?
246-130-090	How do I contact the department?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-130-028	What services are not available? [Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-028, filed 9/20/00, effective 10/21/00.] Repealed by 05-23-100, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.670.
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WAC 246-130-001 What is the early intervention program? The early intervention program of HIV client services' mission is to reduce the transmission and medical consequences of HIV by assuring that persons eligible for the early intervention program in Washington have access to available health care and supportive services.

The early intervention program provides treatment of HIV infection to eligible clients based on available funds. The department provides these early intervention services to

improve public health by treating people living with HIV, its complications, and side effects of HIV treatment, and in order to decrease the risk of clients with HIV infecting others. Information on how to contact this program is in WAC 246-130-090.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-001, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-001, filed 9/20/00, effective 10/21/00; 95-23-018, § 246-130-001, filed 11/7/95, effective 12/8/95. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-130-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.120. 90-17-087 (Order 071), § 248-168-010, filed 8/17/90, effective 9/17/90. Statutory Authority: RCW 43.20A.550. 87-22-012 (Order 2549), § 248-168-010, filed 10/26/87.]

WAC 246-130-010 What definitions does the early intervention program use? The following words and phrases have the following meaning in chapter 246-130 WAC:

(1) **"AIDS"** means acquired immunodeficiency syndrome.

(2) **"Applicant"** means a person applying for early intervention program services.

(3) **"Benefits manager"** means:

(a) The pharmacy benefits manager contracted with the department to provide prescription drug claim processing and formulary management services; or

(b) The insurance benefits manager contracted with the department to provide insurance premium assistance through the HIV insurance program and the Medicare premium assistance program.

(4) **"Client"** means a person who the department determines is currently eligible for early intervention program services.

(5) **"Department"** means the Washington state department of health.

(6) **"Early intervention program services"** means medically necessary treatment and services that reduce the rate of progression of HIV infection and HIV transmission. This includes behavioral risk reduction interventions. See WAC 246-130-020 for details.

(7) **"Federal poverty level"** means the official income level for poverty released by the federal government each year in February.

(8) **"Formulary"** means the list of prescription drugs that the early intervention program will pay for. To obtain a copy of that list, see WAC 246-130-090.

(9) **"HIV"** means human immunodeficiency virus as defined in RCW 70.24.017(7).

(10) **"HIV insurance program"** means the program that provides health insurance coverage for individuals with HIV who are not eligible for medical assistance programs from the department of social and health services. Medical assistance program is defined in RCW 74.9.010(8). Individuals must meet the eligibility requirements established by the department.

(11) **"Medicare premium assistance"** means the program that pays premiums, co-payments and deductibles for department clients receiving Medicare and enrolled in the prescription drug program.

(12) **"Provider"** means a health care professional contracted by the department to supply medical, dental, or laboratory services to a client.

(13) **"Schedule of services"** means the department's list of medical, dental, and laboratory services covered by its early intervention program. To obtain a copy of that list, see WAC 246-130-090.

(14) **"Standard of care"** means treatment for HIV that is commonly accepted by the local medical community.

(15) **"Steering committee"** means the department's early intervention steering committee. This advisory committee serves at the pleasure of the department secretary in accordance with RCW 43.70.040(2). The committee consists of Washington state residents living with HIV, HIV medical experts, and representatives from community organizations. The steering committee advises the department on its early intervention program.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-010, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-010, filed 9/20/00, effective 10/21/00; 95-23-018, § 246-130-010, filed 11/7/95, effective 12/8/95. Statutory Authority: RCW 43.70.120. 92-02-018 (Order 224), § 246-130-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-130-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.120. 90-17-087 (Order 071), § 248-168-015, filed 8/17/90, effective 9/17/90.]

WAC 246-130-020 What early intervention program services are available? Services to treat HIV are available from the department, based on available funding, to eligible clients as described in this section.

(1) The department decides what specific medical, laboratory, dental, prescription medication and insurance services to cover after actively consulting with its steering committee and considering:

- (a) Support of the steering committee;
- (b) FDA approval for prescription medications;
- (c) Standard of care recognized by the medical community;

(d) Effectiveness in treatment for HIV, complications of HIV, side effects of current treatments for HIV or support for HIV treatment adherence; and

(e) Relative cost of services.

(2) The early intervention program services described in this section are available to all clients, unless they receive those services from other sources. Specific services of this section are available for a client only when medically necessary to treat HIV and associated diseases, complications of treating HIV, or support for HIV treatment adherence.

(3) Specific covered medical, laboratory, and dental services are listed in the department's "schedule of services."

(4) Prescription drugs covered are listed in the department's "early intervention drug formulary."

(5) HIV insurance program includes:

(a) Premium payment or assistance as authorized in RCW 43.70.670;

(b) Deductible payment up to a limit determined by the early intervention program within a twelve-month period; and

(c) Co-pay payment for third-party insurance as follows:

(i) The percentage of prescription medication costs covered by the department and not covered by third-party insurers; and

(ii) Fixed dollar co-pay required by a client's third-party insurance plan for prescription medication covered by the early intervention program.

(6) Medicare premium assistance will pay premiums, co-payment and deductibles for early intervention program clients on Medicare who request assistance for the prescription drug program.

(7) The department may also coordinate other services to treat HIV and AIDS. These are available as funding and contracting permit. For example, as of July 1, 2000, the department may pay toward the spend-down for medically needy (MN) clients who are also early intervention program clients.

(8) The early intervention program will provide written notification to clients, providers, and the steering committee at least thirty days in advance of any reduction in service or payments.

(9) You may contact the department per WAC 246-130-090 to make comments on service coverage or to receive information.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-020, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-020, filed 9/20/00, effective 10/21/00; 95-23-018, § 246-130-020, filed 11/7/95, effective 12/8/95. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-130-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.120. 90-17-087 (Order 071), § 248-168-020, filed 8/17/90, effective 9/17/90. Statutory Authority: RCW 43.20A.550. 87-22-012 (Order 2549), § 248-168-020, filed 10/26/87.]

WAC 246-130-030 How does the early intervention program pay a provider or benefits manager? The department pays a provider or benefits manager for covered services delivered to clients, as limited by this section.

(1) The department pays a provider or benefits manager who contracts with the department for services described in WAC 246-130-020.

(a) The department will only pay for services delivered by a contracted provider or benefits manager.

(b) A provider or benefits manager must bill the department according to the procedure and terms of the contract.

(c) The department only pays for covered, medically necessary early intervention program services delivered to clients who are eligible under WAC 246-130-040.

(2) Payment of services depends on availability of federal and state funds. The department will not deny payment of any individual claim for funding availability unless the department denies an entire class of claims, or an entire program.

(3) A provider or benefits manager who disputes a payment may do so through the contracts process specified in WAC 246-130-080(3).

(4) The department is payer of last resort.

(a) A provider or benefits manager must bill all other third-party sources prior to billing the department for covered services; and

(b) A provider or benefits manager must reimburse the department for any funds paid by the department, which were actually reimbursed by other sources.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-030, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-030, filed 9/20/00, effective 10/21/00; 95-23-018, § 246-130-030, filed 11/7/95, effective 12/8/95. Statutory Authority: RCW 43.70.120. 92-02-018 (Order 224), § 246-130-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-130-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.120. 90-17-087 (Order 071), § 248-168-030, filed 8/17/90, effective 9/17/90. Statutory Authority: RCW 43.20A.550. 87-22-012 (Order 2549), § 248-168-030, filed 10/26/87.]

WAC 246-130-040 How do persons with HIV become eligible? (1) The department establishes the criteria for determining client eligibility for the early intervention program by consulting with the early intervention steering committee and other interested parties. The department reviews each client's application against the criteria set out in this section.

(2) An applicant is eligible for twelve months of early intervention program services beginning the first of the month that the applicant's completed application was post-marked.

(3) The department requires the following documentation:

(a) A medical diagnosis of HIV;

(b) A Washington state address;

(c) Verification of income, that is equal to or less than the limit set by the early intervention program. Income includes:

(i) Wages, salary, overtime, tips, and bonuses;

(ii) Social Security, trust funds for disability, or other disability insurance payments;

(iii) Unemployment benefits;

(iv) Veteran's Administration benefits;

(v) Lump sum payments of gifts, cash inheritance, property, lottery winnings, worker's compensation for lost income, or severance pay;

(vi) Private pensions, annuities, or royalties; and

(vii) Investment dividends.

(4) The department also considers the following when determining client eligibility:

(a) Client resources: A client must have current resources of less than or equal to the limit set by the early intervention program. Resources include trust funds, and any other financial resources available to the applicant. The department does not count the following as resources:

(i) One home, defined as real property owned by the client as his or her principal place of residence in Washington state, together with surrounding property not to exceed five acres;

(ii) Commercial property, or property used for producing income, up to the first twenty thousand dollars of value;

(iii) Household furnishings;

(iv) One automobile; or

(v) Pensions and other Internal Revenue Service designated retirement accounts; or

(vi) Burial plots or prepaid funeral arrangements.

(b) Client ineligibility for medical benefits through the department of social and health services. If a client is eligible for medical benefits through the department of social and health services, he or she may not qualify for the early intervention program, except when the department is coordinating other services as specified in WAC 246-130-020(6).

(5) Individuals transitioning from any correctional institute are eligible for service that will assist them to access medication once they are released from the facility.

(6) Refer to the HIV client services web page through DOH WEB (A-Z) at www.doh.wa.gov.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-040, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-040, filed 9/20/00, effective 10/21/00; 95-23-018, § 246-130-040, filed 11/7/95, effective 12/8/95. Statutory Authority: RCW 43.70.120. 92-02-018 (Order 224), § 246-130-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-130-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.120. 90-17-087 (Order 071), § 248-168-040, filed 8/17/90, effective 9/17/90. Statutory Authority: RCW 43.20A.550. 87-22-012 (Order 2549), § 248-168-040, filed 10/26/87.]

WAC 246-130-045 Does an early intervention program client need to notify the department of any changes in their eligibility? (1) Clients must notify the department of any changes that affect their eligibility within twenty days of the change.

(2) Clients who do not notify the department of changes may be disenrolled and required to repay the funds spent on their services.

(3) Clients may be disenrolled from the program if they provide false information.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-045, filed 11/17/05, effective 12/18/05.]

WAC 246-130-060 Is information kept confidential? Applicant and client information supplied to the early intervention program is confidential. The early intervention program follows all applicable state and federal laws regarding the exchange of medical information.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-060, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-060, filed 9/20/00, effective 10/21/00; 95-23-018, § 246-130-060, filed 11/7/95, effective 12/8/95. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-130-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.120. 90-17-087 (Order 071), § 248-168-060, filed 8/17/90, effective 9/17/90. Statutory Authority: RCW 43.20A.550. 87-22-012 (Order 2549), § 248-168-060, filed 10/26/87.]

WAC 246-130-080 What do clients do if they disagree with the department's decision about their eligibility or coverage? Applicants and clients may appeal any decision by the department about their early intervention program eligibility or coverage.

(1) Chapter 246-10 WAC details the adjudication process for matters involving receipt of benefits. The department will provide information on the cause for denied benefits, how a proceeding may be requested, the forms necessary to request a proceeding and information on required time frames.

(2) Applicants and clients may not appeal the department's denial or limitations when the department discontinues or limits an early intervention program service to either funding availability or federal or state law or rule changes. See WAC 246-130-030(3) for more details.

(3) Rate and payment disputes between a provider or benefits manager and the department are handled by contract.

(4) Clients of any other public agency must use that agency's process to resolve eligibility or other disputes regarding that agency.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-080, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-080, filed 9/20/00, effective 10/21/00.]

WAC 246-130-090 How do I contact the department? For information or application, contact:

Department of Health
Client Services
P.O. Box 47841
Olympia, WA 98504-7841
Telephone 1-877-376-9316 Option 2

Or, visit the web site at www.doh.wa.gov. Locate HIV client services through the "DOH WEB (A-Z)" at www.doh.wa.gov.

[Statutory Authority: RCW 43.70.670. 05-23-100, § 246-130-090, filed 11/17/05, effective 12/18/05. Statutory Authority: RCW 43.70.040 and 43.70.120. 00-19-117, § 246-130-090, filed 9/20/00, effective 10/21/00.]

Chapter 246-140 WAC BLOODBORNE PATHOGENS IN CHILDREN PLACED IN OUT-OF-HOME CARE

WAC

246-140-001	Purpose.
246-140-010	Definition.
246-140-020	Disclosure of information.

WAC 246-140-001 Purpose. These regulations define the term "bloodborne pathogens" solely for use by the department of social and health services when placing a child in out-of-home care pursuant to RCW 74.13.289.

[Statutory Authority: RCW 74.13.289. 05-04-112, § 246-140-001, filed 2/2/05, effective 3/5/05.]

WAC 246-140-010 Definition. The term "bloodborne pathogen" means pathogenic microorganisms that are present in human blood and can cause disease in humans including: Arboviral infections; babesiosis; brucellosis; Creutzfeldt-Jakob disease; hepatitis B virus (HBV); hepatitis C virus (HCV); human immunodeficiency virus (HIV); human T-lymphotrophic virus Type I; leptospirosis; malaria; relapsing fever; syphilis; viral hemorrhagic fever.

[Statutory Authority: RCW 74.13.289. 05-04-112, § 246-140-010, filed 2/2/05, effective 3/5/05.]

WAC 246-140-020 Disclosure of information. Disclosure of information related to HIV and other sexually transmitted diseases must be in accordance with RCW 70.24.105.

[Statutory Authority: RCW 74.13.289. 05-04-112, § 246-140-020, filed 2/2/05, effective 3/5/05.]

Chapter 246-247 WAC RADIATION PROTECTION—AIR EMISSIONS

WAC

246-247-035	National standards adopted by reference for sources of radionuclide emissions.
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WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions. (1) The following federal standards, as in effect on July 1, 2004, are adopted by reference except as provided in subsections (2) and (3) of this section.

These standards apply in addition to other requirements of this chapter.

(a) For federal facilities:

(i) 40 CFR Part 61, Subpart A - General Provisions.

(ii) 40 CFR Part 61, Subpart H - National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities.

(iii) 40 CFR Part 61, Subpart I - National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.

(iv) 40 CFR Part 61, Subpart Q - National Emission Standards for Radon Emissions From Department of Energy Facilities.

(b) For nonfederal facilities:

(i) 40 CFR Part 61, Subpart A - General Provisions.

(ii) 40 CFR Part 61, Subpart B - National Emission Standards for Radon Emissions From Underground Uranium Mines.

(iii) 40 CFR Part 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants.

(iv) 40 CFR Part 61, Subpart R - National Emissions Standards for Radon from Phosphogypsum Stacks.

(v) 40 CFR Part 61, Subpart T - National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings.

(vi) 40 CFR Part 61, Subpart W - National Emission Standards for Radon Emissions From Operating Mill Tailings.

(2) References to "Administrator" or "EPA" in 40 CFR Part 61 include the department of health except in any section of 40 CFR Part 61 for which a federal rule or delegation indicates that the authority will not be delegated to the state.

(3) Any change or alternative to standards, emission monitoring and test procedures, compliance and reporting requirements, or recordkeeping requirements must be approved by EPA.

[Statutory Authority: RCW 70.98.050. 05-12-059, § 246-247-035, filed 5/26/05, effective 6/26/05.]

Chapter 246-249 WAC

RADIOACTIVE WASTE—USE OF THE COMMERCIAL DISPOSAL SITE

WAC

246-249-001	Purpose and scope.
246-249-010	Definitions.
246-249-080	Naturally occurring and accelerator produced radioactive material (NARM), excluding source material.
246-249-090	Transfer for disposal and manifests.

WAC 246-249-001 Purpose and scope. These rules govern generators and brokers of low-level radioactive waste (LLRW) and generators and brokers of naturally occurring and accelerator produced radioactive material (NARM) seeking to dispose waste at any commercial disposal facility in the

state of Washington. For purposes of this chapter, the term "radioactive waste" refers to both low-level radioactive waste and naturally occurring and accelerator produced radioactive material. These rules are in addition to applicable requirements of the United States Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), and other requirements of Title 246 WAC, the requirements of the department of ecology, Title 173 WAC, and conditions of the license issued to the disposal site operator(s).

[Statutory Authority: RCW 70.98.050. 05-21-128, 05-23-113 and 06-01-105, § 246-249-001, filed 10/19/05, 11/18/05 and 12/21/05, effective 8/15/06. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-16-109 (Order 187), § 246-249-001, filed 8/7/91, effective 9/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-249-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-62-010, filed 12/11/86.]

WAC 246-249-010 Definitions. As used in this chapter, the following definitions apply:

(1) "Low-level radioactive waste," consistent with the Low-Level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240, means radioactive waste not classified as high-level radioactive waste, spent nuclear fuel, or by-product material as defined in section 11e.(2) of the Atomic Energy Act.

(2) "Broker" means a person who performs one or more of the following functions for a radioactive waste generator:

(a) Arranges for transportation of the radioactive waste;

(b) Collects and/or consolidates shipments of radioactive waste (waste collector);

(c) Processes radioactive waste in some manner, not including carriers whose sole function is to transport radioactive waste (waste processor).

(3) "Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).

(4) "Chemical description" means a description of the principal chemical characteristics of a radioactive waste.

(5) "Computer-readable medium" means the regulatory agency's computer can transfer the information from the medium into its memory.

(6) "Consignee" means the designated receiver of the shipment of radioactive waste.

(7) "Decontamination facility" means a facility operating under a commission or agreement state license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse, or other waste management objectives, and, for purposes of this section, is not considered to be a consignee for radioactive waste shipments.

(8) "Disposal container" means a container principally used to confine radioactive waste during disposal operations at a land disposal facility (also see "high integrity container"). Note that for some shipments, the disposal container may be the transport package.

(9) "EPA identification number" means the number assigned by the EPA administrator under 40 CFR Part 263.

(10) "Generator" means any entity including a licensee operating under a commission or agreement state license who:

(a) Is a waste generator as defined in this part; or

(b) Is the entity or licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g., waste generated as a result of decontamination or recycle activities).

(11) "High integrity container (HIC)" means a container commonly designed to meet the structural stability requirements of this chapter, and to meet department of transportation Type A package requirements.

(12) "Land disposal facility" means the land, buildings, and equipment which are intended to be used for the disposal of radioactive wastes. For the purposes of this chapter, a land disposal facility does not include a geologic repository.

(13) "Motor vehicle" means any vehicle, truck, tractor, semi-trailer, or trailer (or any permitted combination of these), driven by mechanical power and used upon the highways to carry property.

(14) "Motor common carrier" means a person holding itself out to the general public to provide motor vehicle transportation for compensation over regular or irregular routes, or both.

(15) "Motor contract carrier" means a person other than a common carrier providing motor vehicle transportation of property for compensation under continuing agreements with one or more persons.

(16) "Motor private carrier" means a person, other than a motor carrier, transporting property by motor vehicle when the person is the owner, lessee, or bailee of the property being transported; and the property is being transported for sale, lease, rent, or bailment, or to further a commercial enterprise.

(17) "Motor carrier" means a motor common carrier and a motor contract carrier.

(18) "Naturally occurring and accelerator produced material" (NARM) means any radioactive material of natural or accelerator origin; but does not include by-product, source or special nuclear material. Diffuse NARM is low activity NARM that has less than 2 nCi/g of 226-Ra.

(19) "NRC Forms 540, 540A, 541, 541A, 542, and 542A" are official NRC Forms referenced in this section. Licensees need not use originals of these NRC Forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, NRC Forms 541 (and 541A) and NRC Forms 542 (and 542A) may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest.

(20) "Package" means the assembly of components necessary to ensure compliance with the packaging requirements of DOT regulations, together with its radioactive contents, as presented for transport.

(21) "Physical description" means the items on NRC Form 541 that describe a radioactive waste.

(22) "Radioactive waste" means either or both low-level radioactive waste and naturally occurring and accelerator produced radioactive material.

(23) "Residual waste" means radioactive waste resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable.

(24) "Rollover volume" means the difference, in a calendar year, between the volume of NARM disposed at the disposal site and the site volume limit set forth under WAC 246-249-080(4).

(25) "Shipper" means the licensed entity (i.e., the waste generator, waste collector, or waste processor) who offers radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator.

(26) "Shipment" means the total radioactive waste material transported in one motor vehicle.

(27) "Shipping paper" means NRC Form 540 and, if required, NRC Form 540A which includes the information required by DOT in 49 CFR Part 172.

(28) "Transuranic waste" means material contaminated with elements that have an atomic number greater than 92.

(29) "Uniform Low-Level Radioactive Waste Manifest or uniform manifest" means the combination of NRC Forms 540, 541, and, if necessary, 542, and their respective continuation sheets as needed, or equivalent.

(30) "Waste collector" means an entity, operating under a commission or agreement state license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.

(31) "Waste description" means the physical, chemical and radiological description of a radioactive waste as called for on NRC Form 541.

(32) "Waste generator" means an entity, operating under a commission or agreement state license, who:

(a) Possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use; and

(b) Transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal.

A licensee performing processing or decontamination services may be a "waste generator" if the transfer of radioactive waste from its facility is defined as "residual waste."

(33) "Waste processor" means an entity, operating under a commission or agreement state license, whose principal purpose is to process, repackage, or otherwise treat radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.

(34) "Waste type" means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified or stabilized in a specifically defined media).

[Statutory Authority: RCW 70.98.050, 05-21-128, 05-23-113 and 06-01-105, § 246-249-010, filed 10/19/05, 11/18/05 and 12/21/05, effective 8/15/06. Statutory Authority: RCW 70.98.050 and 70.98.080, 98-09-117, § 246-249-010, filed 4/22/98, effective 5/23/98; 91-16-109 (Order 187), § 246-249-010, filed 8/7/91, effective 9/7/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-249-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080, 87-01-031 (Order 2450), § 402-62-020, filed 12/11/86.]

WAC 246-249-080 Naturally occurring and accelerator produced radioactive material (NARM), excluding source material. (1) In addition to requirements for a dis-

positional site use permit contained in WAC 246-249-020, single generators of naturally occurring or accelerator produced radioactive material shall obtain the specific approval of the department prior to offering wastes for disposal.

(2) Applications for specific departmental approval must be submitted to the department for volumes greater than one thousand cubic feet of diffuse NARM, and must describe:

(a) The chemical processes which produce or have produced the waste;

(b) The volume of waste to be disposed; and

(c) The radionuclides in the waste.

(3) A request for specific approval may be approved if the department finds the material is:

(a) In conformance with conditions of all licenses and permits issued to the disposal site operator; and

(b) Consistent with protection of the public health, safety and environment.

(4) Diffuse naturally occurring and accelerator produced radioactive material, excluding source material, shall be limited to a total site volume of no more than one hundred thousand cubic feet per calendar year. This annual disposal limit does not apply to:

(a) Accelerator produced radioactive material excluding decommissioning waste; and

(b) Discrete sealed sources. For purposes of this section, sealed sources means any device containing naturally occurring radioactive material or accelerator produced radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

(5) Rollover provision. For a given calendar year, the site licensee may apply to the department for an increase in the site volume limit not to exceed the cumulative rollover volume from previous years. The licensee must submit an application to the department describing the request and addressing the possible impacts. The department may approve the application if it finds that disposal of rollover volumes in excess of one hundred thousand cubic feet per year is appropriate based on the real or potential impacts to the public health, safety and environment.

(6) Emergency provision. If the annual total site volume limit has been met and an emergency situation occurs, single generators of diffuse NARM may seek emergency approval from the secretary to dispose of waste in excess of volume limitations. The secretary may approve emergency disposal if he or she finds that an emergency exists based upon the circumstances described by the applicant, the real or potential impact on the public health and safety as determined by the department and that approval of such additional disposal is consistent with protecting the public health and safety of the citizens of the state of Washington.

(7) The department shall review this section, every five years, beginning five years from the rule's effective date.

[Statutory Authority: RCW 70.98.050, 05-21-128, 05-23-113 and 06-01-105, § 246-249-080, filed 10/19/05, 11/18/05 and 12/21/05, effective 8/15/06. Statutory Authority: Chapter 70.98 RCW, 95-13-094, § 246-249-080, filed 6/21/95, effective 7/22/95. Statutory Authority: RCW 70.98.050 and 70.98.080, 91-16-109 (Order 187), § 246-249-080, filed 8/7/91, effective 9/7/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-249-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080, 87-01-031 (Order 2450), § 402-62-090, filed 12/11/86.]

WAC 246-249-090 Transfer for disposal and manifests. The requirements of this section are designed to control transfers of radioactive waste by any waste generator, waste collector, or waste processor licensee who ships radioactive waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility; establish a manifest tracking system; and supplement existing requirements concerning transfers and recordkeeping for those wastes.

(1) Effective March 1, 1998, each shipment of radioactive waste intended for disposal at a licensed land disposal facility in the state of Washington must be accompanied by a uniform low-level radioactive waste shipment manifest.

(2) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with this section.

(a) Each shipment manifest must include a certification by the waste generator as specified in this section.

(b) Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in this section.

(c) When recording information on shipment manifests, information must be recorded in the International System of Units (SI) or in SI and units of curie, rad, rem, including multiples and subdivisions.

(3) A waste generator, collector, or processor who transports, or offers for transportation, radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a manifest reflecting information requested on applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and, if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 540A must be completed and must physically accompany the pertinent low-level waste shipment. Upon agreement between shipper and consignee, NRC Forms 541 and 541A and 542 and 542A may be completed, transmitted, and stored in electronic media with the capability for producing legible, accurate, and complete records on the respective forms. Licensees are not required by the department to comply with the manifesting requirements of this section when they ship:

(a) Radioactive waste for processing and expect its return (i.e., for storage under their license) prior to disposal at a licensed land disposal facility;

(b) Radioactive waste that is being returned to the licensee who is the "waste generator" or "generator," as defined in this part; or

(c) Radioactively contaminated material to a "waste processor" that becomes the processor's "residual waste."

For guidance in completing these forms, refer to the instructions that accompany the forms. Copies of manifests required by this section may be legible carbon copies, photocopies, or computer printouts that reproduce the data in the format of the uniform manifest.

This section includes information requirements of the U.S. Department of Transportation, as codified in 49 CFR Part 172. Information on hazardous, medical, or other waste, required to meet Environmental Protection Agency regulations, as codified in 40 CFR Parts 259, 261 or elsewhere, is not addressed in this section, and must be provided on the required EPA forms. However, the required EPA forms must accompany the Uniform Low-Level Radioactive Waste Manifest required by this section.

(4) Information requirements.

(a) General information.

The shipper of the radioactive waste, shall provide the following information on the uniform manifest:

(i) The name, facility address, and telephone number of the licensee shipping the waste;

(ii) An explicit declaration indicating whether the shipper is acting as a waste generator, collector, processor, or a combination of these identifiers for purposes of the manifest shipment; and

(iii) The name, address, and telephone number, or the name and EPA identification number for the carrier transporting the waste.

(b) Shipment information.

The shipper of the radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest:

(i) The date of the waste shipment;

(ii) The total number of packages/disposal containers;

(iii) The total disposal volume and disposal weight in the shipment;

(iv) The total radionuclide activity in the shipment;

(v) The activity of each of the radionuclides H-3, C-14, Tc-99, and I-129 contained in the shipment; and

(vi) The total masses of U-233, U-235, and plutonium in special nuclear material, and the total mass of uranium and thorium in source material.

(c) Disposal container and waste information.

The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment:

(i) An alphabetic or numeric identification that uniquely identifies each disposal container in the shipment;

(ii) A physical description of the disposal container, including the manufacturer and model of any high integrity container;

(iii) The volume displaced by the disposal container;

(iv) The gross weight of the disposal container, including the waste;

(v) For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;

(vi) A physical and chemical description of the waste;

(vii) The total weight percentage of chelating agent for any waste containing more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent;

(viii) The approximate volume of waste within a container;

(ix) The sorbing, stabilization, or solidification media, if any, and the identity of the solidification or stabilization media vendor and brand name;

(x) The identities and activities of individual radionuclides contained in each container, the masses of U-233, U-

235, and plutonium in special nuclear material, and the masses of uranium and thorium in source material. For discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with or contained on these waste types within a disposal container shall be reported;

(xi) The total radioactivity within each container; and

(xii) For wastes consigned to a disposal facility, the classification of the waste under this chapter. The shipper must identify the waste if it does not meet the structural stability requirements in this chapter.

(d) Uncontainerized waste information.

The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding a waste shipment delivered without a disposal container:

(i) The approximate volume and weight of the waste;

(ii) A physical and chemical description of the waste;

(iii) If the chelating agent exceeds 0.1% by weight, the total weight percentage of chelating agent plus the identity of the principal chelating agent;

(iv) For waste consigned to a disposal facility, the classification of the waste under this chapter. The shipper must identify the waste if it does not meet the structural stability requirements in this chapter;

(v) The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235, and plutonium in special nuclear material, and the masses of uranium and thorium in source material; and

(vi) For wastes consigned to a disposal facility, the maximum radiation levels at the surface of the waste.

(e) Multigenerator disposal container information.

This subsection applies to disposal containers enclosing mixtures of waste originating from different generators. (Note: The origin of the radioactive waste resulting from a processor's activities may be attributable to one or more "generators," including "waste generators." It also applies to mixtures of wastes shipped in an uncontainerized form, for which portions of the mixture within the shipment originate from different generators.)

(i) For homogeneous mixtures of waste, such as incinerator ash, provide waste description applicable to the mixture and the volume of the waste attributed to each generator.

(ii) For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and, for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each generator, provide the following:

(A) The volume of waste within the disposal container;

(B) A physical and chemical description of the waste, including the stabilization or solidification agent, if any;

(C) The total weight percentage of chelating agents for any disposal container containing more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent;

(D) The sorbing, solidification, or stabilization media, if any, and the identity of the stabilization media vendor and brand name, if the media is claimed to meet stability requirements in WAC 246-249-050(2); and

(E) Radionuclide identities and activities contained in the waste, the masses of U-233, U-235, and plutonium in special nuclear material, and the masses of uranium and thorium in source material if contained in the waste.

(5) Certification.

An authorized representative of the waste generator, processor, or collector shall certify by signing and dating the shipment manifest that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, the U.S. Nuclear Regulatory Commission, and the department. A collector in signing the certification is certifying that nothing has been done to the collected waste which would invalidate the waste generator's certification.

(6) Control and tracking.

(a) Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in (a)(i) through (ix) of this subsection. Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of (a)(iv) through (ix) of this section. A licensee shall:

(i) Prepare all wastes so that the waste is classified according to WAC 246-249-040 and meets the waste characteristics requirements in WAC 246-249-050;

(ii) Label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is Class A waste, Class B waste, Class C waste, or greater than Class C waste, in accordance with WAC 246-249-040;

(iii) Conduct a quality assurance program to assure compliance with WAC 246-249-040 and 246-249-050 (the program must include management evaluation of audits);

(iv) Prepare the NRC Uniform Low-Level Radioactive Waste Manifest as required by this section;

(v) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either receipt of the manifest precedes the waste shipment or the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both methods is also acceptable;

(vi) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in (a)(v) of this subsection;

(vii) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;

(viii) Retain a copy of, or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations; and

(ix) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (e) of this subsection.

(b) Any waste collector licensee who handles only pre-packaged waste shall:

(i) Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540;

(ii) Prepare a new manifest to reflect consolidated shipments that meet the requirements of this section. The waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste;

(iii) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either receipt of the manifest precedes the waste shipment, or the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both methods is also acceptable;

(iv) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in (b)(iii) of this subsection;

(v) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;

(vi) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations;

(vii) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with this section; and

(viii) Notify the shipper and the department when any shipment, or part of a shipment, has not arrived within sixty days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

(c) Any licensed waste processor who treats or repackages waste shall:

(i) Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540;

(ii) Prepare a new manifest that meets the requirements of this section. Preparation of the new manifest reflects that the processor is responsible for meeting these requirements. For each container of waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume, and the other information as required in subsection (4)(e) of this section;

(iii) Prepare all wastes so that the waste is classified according to WAC 246-249-040 and meets the waste characteristics requirements in WAC 246-249-050;

(iv) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with WAC 246-249-040 and 246-249-060;

(v) Conduct a quality assurance program to assure compliance with WAC 246-249-040 and 246-249-050 (the program shall include management evaluation of audits);

(vi) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either receipt of the manifest precedes the waste shipment, or the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both methods is also acceptable;

(vii) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in (c)(vi) of this subsection;

(viii) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;

(ix) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations;

(x) For any shipment or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (e) of this subsection; and

(xi) Notify the shipper and the department when any shipment, or part of a shipment, has not arrived within sixty days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

(d) The land disposal facility operator shall:

(i) Acknowledge receipt of the waste within one week of receipt by returning, as a minimum, a signed copy of NRC Form 540 to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. If any discrepancy exists between materials listed on the Uniform Low-Level Radioactive Waste Manifest and materials received, copies or electronic transfer of the affected forms must be returned indicating the discrepancy;

(ii) Maintain copies of all completed manifests and electronically store the information required by WAC 246-250-600(8) until the license is terminated; and

(iii) Notify the shipper and the department when any shipment, or part of a shipment, has not arrived within sixty days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

(e) If the shipper does not receive acknowledgement from the land disposal facility operator for any shipment or part of a shipment within the times set in this section, the shipper must:

(i) Investigate if the shipper has not received notification or receipt within twenty days after transfer; and

(ii) Trace the shipment or part of shipment and report the investigation to the department. Each licensee who conducts a trace investigation shall file a written report with the department within two weeks of completion of the investigation.

[Statutory Authority: RCW 70.98.050, 05-21-128, 05-23-113 and 06-01-105, § 246-249-090, filed 10/19/05, 11/18/05 and 12/21/05, effective 8/15/06. Statutory Authority: RCW 70.98.050 and 70.98.080, 98-09-117, § 246-249-090, filed 4/22/98, effective 5/23/98; 97-02-014, § 246-249-090, filed 12/20/96, effective 1/20/97; 91-16-109 (Order 187), § 246-249-090, filed 8/7/91, effective 9/7/91.]

Chapter 246-254 WAC

RADIATION PROTECTION—FEES

WAC

246-254-053	Radiation machine facility registration fees.
246-254-070	Fees for specialized radioactive material licenses.
246-254-080	Fees for medical and veterinary radioactive material licenses.
246-254-090	Fees for industrial radioactive material licenses.
246-254-100	Fees for laboratory radioactive material licenses.
246-254-120	Fees for licensing and compliance actions.

WAC 246-254-053 Radiation machine facility registration fees. (1) Radiation machine facility fees apply to each

person or facility owning, leasing and using radiation-producing machines.

FEE TYPE	FEE
(a) Annual Base Registration Fee	\$68
(b) Late registration or re-registration	\$68
(c) Tube Fees	See Table 1

TABLE 1 Radiation Tube Fees		
Group	First Tube	Each Additional Tube
(i) Group A: Dental, Podiatric, Veterinary, Bone Densitometers uses	\$69	\$35
(ii) Group B: Hospital, Medical, Chiropractic uses	\$190	\$100
(iii) Group C: Industrial, research, and other uses	\$107	\$35
(iv) Group D: Electron Microscopes, Mammographic X-ray Machines	NA	NA

(2) X-ray shielding fees.

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$255 X-ray shielding review fee for each X-ray room plan submitted. A registrant may request an expedited plan review for an additional \$500 for each X-ray room plan. Expedited plan means the department will complete the plan review within two business days of receiving all required information from the registrant.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal and departmental approval of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of \$500.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of \$4,441.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies if the geographical location (parcel number) is the same.

(5) Inspection fees.

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$90.

(6) A facility's annual registration fee is valid for a specific geographical location and person only. It is not transferable to another geographical location or owner or user.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250, 05-24-108, § 246-254-053, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250, 04-12-125, § 246-254-053, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 43.70.250 and 43.70.110, 03-13-122, § 246-254-053, filed 6/18/03, effective 7/19/03. Statutory Authority:

RCW 43.70.250 and 2001 2nd sp.s. c 7 § 220. 02-07-085, § 246-254-053, filed 3/19/02, effective 4/19/02. Statutory Authority: RCW 43.70.110. 01-14-048, § 246-254-053, filed 6/29/01, effective 7/30/01; 99-13-085, § 246-254-053, filed 6/14/99, effective 7/15/99; 98-11-066, § 246-254-053, filed 5/19/98, effective 7/1/98. Statutory Authority: RCW 43.70.110, 43.70.250 and chapter 70.98 RCW. 98-01-047, § 246-254-053, filed 12/8/97, effective 1/8/98; 96-11-043, § 246-254-053, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-053, filed 5/25/95, effective 6/25/95; 94-11-010, § 246-254-053, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-053, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-053, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-053, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20B.110. 89-16-064 (Order 2839), § 440-44-050, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 43.20A.055. 86-08-054 (Order 2359), § 440-44-050, filed 3/28/86. Statutory Authority: Chapter 70.98 RCW and 1985 c 383. 85-20-021 (Order 2283), § 440-44-050, filed 9/23/85. Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-050, filed 6/7/85; 83-12-058 (Order 1965), § 440-44-050, filed 6/1/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-050, filed 6/4/82.]

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

- (a) \$7,050 for operation of a single nuclear pharmacy.
- (b) \$12,025 for operation of a single nuclear laundry.
- (c) \$12,025 for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.
- (d) \$4,215 for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.
- (e) \$1,085 for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.
- (f) \$8,065 for a license authorizing decontamination services operating from a single facility.
- (g) \$3,815 for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.
- (h) \$1,700 for a license authorizing equipment servicing involving:
 - (i) Incidental use of calibration sources;
 - (ii) Maintenance of equipment containing radioactive material; or
 - (iii) Possession of sealed sources for purpose of sales demonstration only.
- (i) \$3,175 for a license authorizing health physics services, leak testing, or calibration services.
- (j) \$1,995 for a civil defense license.
- (k) \$600 for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

- (a) \$23,860 for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) \$11,030 for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) \$8,865 for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

- (a) An initial application fee of one thousand dollars;
- (b) Billing at the rate of \$125 for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and
- (c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise non-refundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

- (a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and
- (b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250. 05-24-109, § 246-254-070, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-070, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-070, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-070, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-070, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-070, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-070, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-070, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-070, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-070, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-070, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-070, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-070, filed 10/29/91, effective 11/29/91.]

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

- (a) \$5,960 for operation of a mobile nuclear medicine program from a single base of operation.

(b) \$4,345 for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) \$3,765 for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) \$6,000 for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) \$3,225 for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) \$1,995 for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) \$3,030 for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) \$2,410 for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) \$1,765 for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) \$1,555 for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) \$970 for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250. 05-24-109, § 246-254-080, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-080, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-080, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-080, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-080, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-080, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-080, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-080, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-080, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-080, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-080, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-080, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-080, filed 10/29/91, effective 11/29/91.]

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) \$7,020 for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) \$9,410 for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) \$4,610 for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) \$995 for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) \$1,085 for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) \$685 for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) \$1,895 for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) \$10,060 for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) \$8,760 for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) \$2,805 for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) \$445 for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of \$90 to the department.

(4) General licensees required to register in accordance with WAC 246-233-020 (3)(k) shall forward an annual fee of \$265 to the department.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250. 05-24-109, § 246-254-090, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-090, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.050. 04-04-055, § 246-254-090, filed 1/30/04, effective 3/1/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-090, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-090, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-090, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-090, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-090, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-090, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-090, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-090, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-090, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-090, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-090, filed 10/29/91, effective 11/29/91.]

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) \$4,800 for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

(i) One millicurie of I-125 or I-131; or

(ii) One hundred millicuries of H-3 or C-14; or

- (iii) Ten millicuries of any single isotope.
- (b) \$2,370 for a license authorizing possession at a single facility of unsealed sources in amounts:
 - (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
 - (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
 - (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.
- (c) \$1,995 for a license authorizing possession at a single facility of unsealed sources in amounts:
 - (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
 - (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
 - (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.
- (d) \$685 for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:
 - (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
 - (ii) Less than or equal to one millicurie of H-3 or C-14; or
 - (iii) Less than or equal to 0.1 millicurie of any other single isotope.
- (e) \$920 for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.
- (2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.
- (3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of \$90 to the department.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250. 05-24-109, § 246-254-100, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-100, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-100, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-100, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-100, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-100, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-100, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-100, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-100, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-100, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-100, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-100, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-100, filed 10/29/91, effective 11/29/91.]

WAC 246-254-120 Fees for licensing and compliance actions. (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

- (a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of \$125 per hour of direct staff time associated with the follow-up inspection, not to exceed

\$1,250 per follow-up inspection. Hours are calculated in half-hour increments.

- (b) For each environmental cleanup monitoring visit, a fee of \$125 per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed \$3,125 per visit. Hours are calculated in half-hour increments.

- (c) For each new license application, the fee of \$200 in addition to the required annual fee.

- (d) For each sealed source and device evaluation, a fee of \$125 per hour of direct staff time associated with each sealed source and device evaluation, not to exceed \$3,750 per evaluation.

- (e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of \$125 per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

- (f) For expedited licensing review, a fee of \$125 per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

- (2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

- (3) The department shall process an application only upon receipt of the new application fee and the annual fee.

- (4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250. 05-24-109, § 246-254-120, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-120, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-120, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-120, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.110, 43.70.250 and chapter 70.98 RCW. 95-12-004, § 246-254-120, filed 5/25/95, effective 6/25/95; 94-11-011, § 246-254-120, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-120, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-120, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-70-070, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-070, filed 11/30/79, effective 1/1/80.]

Chapter 246-260 WAC

WATER RECREATION FACILITIES

WAC

246-260-031	General design, construction, and equipment for all WRF pool facilities.
246-260-041	Swimming pool design, construction, and equipment.
246-260-061	Special design and construction provisions for hotels and motels (transient accommodations) serving fewer than fifteen living units and for spas in individual hotel/motel rooms.
246-260-091	Specialty design features.
246-260-131	Operation of water recreation facilities.

246-260-171 Compliance.

WAC 246-260-031 General design, construction, and equipment for all WRF pool facilities. (See additional design and construction requirements for swimming pools in WAC 246-260-041, for spa pools in WAC 246-260-051 and 246-260-061, for wading pools in WAC 246-260-071, for spray pools in WAC 246-260-081 and for specialty design conditions in WAC 246-260-091. See chapter 246-262 WAC for specific requirements for water park type features.)

(1) **Location:** Owners shall locate pools to minimize surface drainage and other potential sources of pollution from entering the pool.

(2) **Materials:** Owners shall use only structure and equipment materials that are nontoxic, durable, inert, and easily cleanable.

(3) **Walking surfaces:** Owners shall design and maintain walking surfaces:

- (a) Sloping away from the pool or pools;
- (b) Sloping a minimum of one-fourth inch per foot to drain;
- (c) Having a nonslip finish;
- (d) Not having an abrupt change in height of greater than one-half inch, a gap no greater than one-half inch in width, or a crumbling surface presenting a potential tripping hazard;
- (e) Equipped with sufficient drains to prevent standing water; and

(f) Of easily cleanable, impervious finishes.

(4) Barriers for new construction and remodeling:

(a) Owners shall provide barriers to prevent unauthorized persons from gaining access to pools. Spray pool facilities without standing water are exempt from barrier requirements of this section.

(b) Barriers at limited use pools must be at least sixty inches high.

(c) Barriers at general use pools must be at least seventy-two inches high.

(d) Barriers, including windows, (see figures 031.1 and 031.2) may not:

- (i) Allow passage of a four-inch diameter sphere; or
- (ii) Have spaces between vertical members greater than a width of one and three-quarter inches if the distance between the tops of horizontal members are spaced less than forty-five inches apart.

(e) Solid barriers may not have indentations or protrusions, other than normal construction tolerances and masonry joints.

(f) Barriers must have self-closing, self-latching gates or doors that provide either:

(i) A mechanism that uses a continuously locked latch, coded lock or other equivalent access control system that always requires a key or code to enter pool area. If the latch is less than sixty inches from the ground, the barrier must have an eighteen-inch radius of solid material around the latch (see figure 031.2) to preclude a child on the outside of the barrier from reaching through the gate or barrier and opening the latch and entering the pool; or

(ii) A latch height of sixty inches or more from the ground.

(g) Restricted area service entrances are exempt from door or gate requirements provided that no public access is available.

(h) Lifeguarded pools are not required to have a self-closing, self-latching gate during the period a pool is in use. Facility gates shall be closed and locked during nonuse periods.

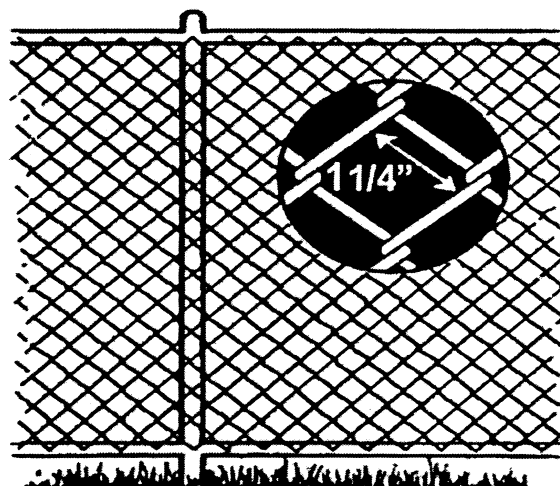
(i) Barrier heights are measured on the side outside the pool enclosure area. Owners shall ensure that surrounding ground levels, structures, or landscaping do not reduce the effective height of the barrier.

Figure 031.1

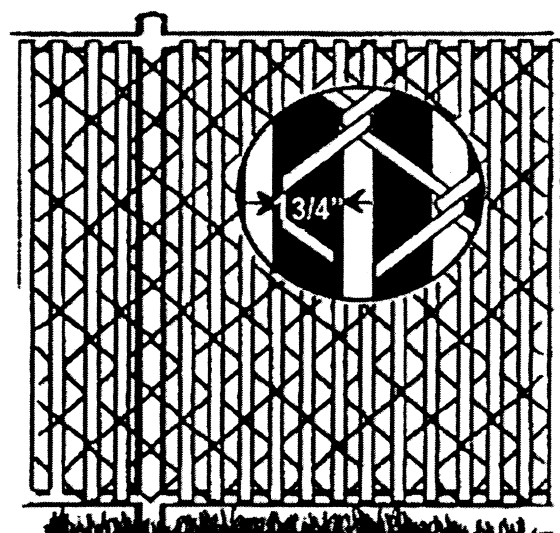
Barrier Construction Detail

(a). For a Chain Link Fence:

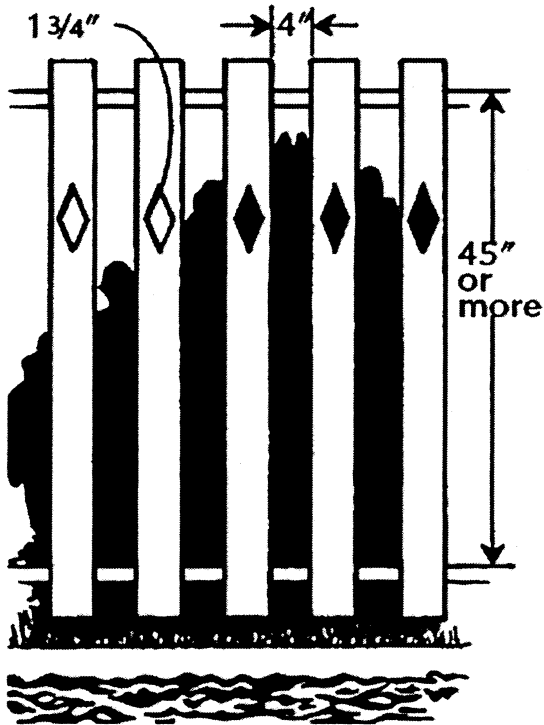
The mesh size shall not exceed 1 1/4 inches square.



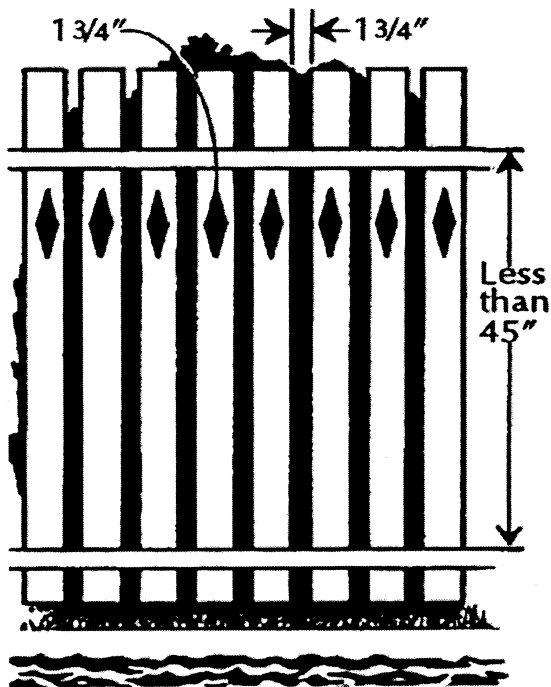
(b). When chain link exceeds 1 1/4 inches square, provide slats to reduce mesh openings to no more than 1 3/4 inches.



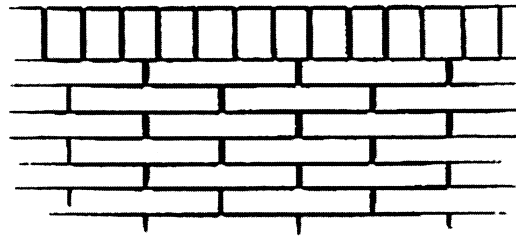
(c). **Vertical Spacing:** If tops of horizontal members are greater than 45 inches apart, vertical spacing shall not exceed 4 inches.



(d). **Vertical Spacing:** If tops of horizontal members are less than 45 inches apart, vertical spacing shall not exceed 1 3/4 inches.



(e). **Solid Barrier:** No indentations or protrusions shall be present, other than normal construction tolerances and masonry joints.



(f). **Maximum Clearance** shall not exceed 4 inches above grade.

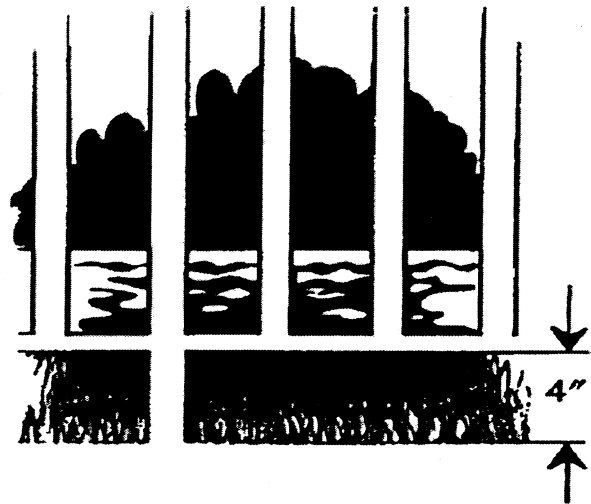
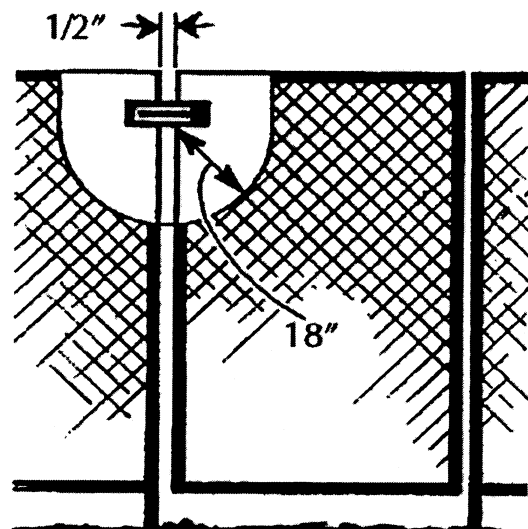


Figure 031.2 Gate and Latch Detail: When latch height is less than 60 inches from the ground, a continuously locked lock must be provided with an 18 inch radius of protection around the latch.



(5) **Barriers for existing facilities:** Before June 1, 2008, owners shall provide barriers for all pools conforming with subsection (4) of this section. Barrier modifications made prior to the compliance deadlines shall meet the requirements in subsection (4) of this section, at the time the modifications are made.

(6) **Pool surface:** Owners shall ensure pool surfaces are constructed and maintained to:

- (a) Have white or light color finish;
- (b) Not cause cutting, pinching, puncturing, entanglement, or abrasion hazard under casual contact; and
- (c) Conform to ANSI/NSPI-1 2003 Standards for Public Swimming Pools or ANSI Standard NSPI-@-1999, American National Standard for Public Spas.

(7) **Inlets:** Owners shall provide pool inlets that are:

- (a) Submerged;
- (b) Located to produce uniform water and chemical circulation throughout the pool; and
- (c) Located on the bottom of swimming and wading pools over twenty-five hundred square feet and spa pools greater than ten thousand gallons.

(8) **Outlets:**

- (a) Owners shall provide pool outlets with:
 - (i) Overflow and main drain grating systems each designed to carry one hundred percent of the total recirculation filter flow;
 - (ii) Main drain piping systems designed to carry one hundred percent or more of total recirculation filter flow when a single pump is used or fifty percent or more of total recirculation filter flow when multiple pumps are used; and
 - (iii) Valving on main drain piping designed to provide required flow.

(b) Owners shall ensure that overflow outlets maintain a minimum of sixty percent of filter recirculation flow at all times.

(c) Overflow outlets must consist of an overflow channel on the perimeter of swimming pools twenty-five hundred square feet or more and spa pools ten thousand gallons or more, to promote uniform circulation and skimming action of the upper water layer with:

- (i) A design preventing all matter entering the channel from returning to the pool;
- (ii) Dimensions minimizing the hazard for bathers, such as catching arms or feet;
- (iii) One one-hundredth of a foot slope per foot or more. However, adequate hydraulic justification from a designer to ensure the overflow system will meet (c)(v) of this subsection may be provided as an alternative;
- (iv) Drains sufficiently spaced and sized to collect and remove overflow water to return line and filter, where applicable; and

(v) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow without flooding the overflow channel.

(d) Overflow outlets must consist of skimmers or overflow channels for pools less than twenty-five hundred square feet, or for spas under 10,000 gallons.

(i) Weirs provided in skimmers must have a normal operation flow rate of three to five gpm per inch of weir;

(ii) Skimmer equipment must be recessed in the pool wall so no part protrudes beyond the plane of the wall into the pool;

(iii) Skimmers must be equipped with a device, such as an equalizer line, to prevent air lock in the recirculation suction line. If equalizer lines are used, they must be protected with grates listed by IAPMO or UL;

(iv) Skimmers must be equipped with a removable and cleanable screen designed to trap large solids;

(v) Skimmers shall operate continuously with a minimum displacement rate of fifteen gallons per bather in swimming pools, twenty gallons in spa pools, and seven gallons in wading pools.

(e) Main drains in all pools must:

- (i) Be located at swimming and wading pool low points;
- (ii) Consist of two or more main drains for any pumped water recirculating system designed;

(A) Piping must be manifolded to assure the water pumps from both main drains simultaneously so that no single drain could be the sole source of suction;

(B) Drains must be spaced at least three feet apart or as far as practical in small spa pools. If a pool uses more than two main drains with a pump, the design must distribute flow so that no single drain could be the primary source of suction;

(C) Piping must be designed so velocity in piping assuming one hundred percent of the pump recirculation flow does not exceed six fps up to the main drain outlet box.

(iii) Have grates on drains with maximum flow of one and one-half feet per second or net outlet area four times or greater than the discharge pipe;

(iv) Have openings that prevent a sphere greater than one-half inch in diameter passing;

(v) Have mechanically fastened grates designed to withstand the force of users;

(vi) Have the total open area of grates sized to prevent a suction or entrapment hazard dangerous to user; and

(vii) For spa pools, have a design listed by IAPMO or UL to aid in preventing hair entrapment, if the main drains are located on vertical walls of the spas.

(9) **Pumps:** Owners shall provide and maintain recirculation pumps with adequate capacity to provide design flows for the entire operating and backwash cycles of the filter.

(10) **Strainers:** Owners shall provide hair and lint strainers for pumps that precede filters.

(11) **Pool appurtenances:**

(a) Owners shall ensure pools have:

- (i) Handholds when the pool deck is greater than twelve inches above the water surface;
- (ii) Stairs leading into spa pools;
- (iii) Step risers on the exterior of the spa pool shall conform with UBC requirements for risers with nonslip tread finishes, when spas are elevated off the pool floor; and
- (iv) Stairs, ladders, or stepholes for access at the shallow end of swimming pools.

(b) Owners shall ensure that stairs, when provided, meet the following construction requirements:

- (i) Nonslip tread finish;
- (ii) Contrasting color stair tread edges;
- (iii) Placement recessed into the side of pools specifically designed for lap or competitive swimming;

(iv) Handrail having leading edges less than eighteen inches beyond and less than eight inches inside (horizontally) the vertical plane of the bottom riser;

(v) Each riser tread shall have a minimum unobstructed, tread depth of ten inches and minimum surface area each of two hundred forty inches;

(vi) Uniform riser heights of seven and one-half inches or less on general use swim pools fifteen hundred square feet or more and spa pools greater than forty feet in perimeter, except the bottom riser may be less than the uniform height; and

(vii) Uniform riser heights of ten inches or less for all other pools, except the bottom riser may be plus or minus two inches of the uniform height.

(c) Ladders or stepholes at swimming pools shall be:

(i) Spaced at a minimum of one for every seventy-five feet of swimming pool perimeter deeper than four feet;

(ii) Provided at both sides of the deep end of swim pools over thirty feet in width; and

(iii) Equipped with handrails.

(12) **Valves:** Owners shall provide valves to allow isolation and maintenance of equipment.

(13) **Balancing tanks:** Owners shall provide balancing tanks for pools designed with overflow channels. Balancing tanks must be of adequate size to prevent air lock in the pump suction line and have sufficient capacity to prevent flooding of the overflow channel.

(14) **Equipment and chemical storage rooms:** Owners shall provide enclosed, locked, lighted, vented rooms for mechanical equipment, with floors sloped to a floor drain and minimum access area three feet wide around equipment. Owners shall provide a separate chemical storage area or room that conforms to manufacturer's requirements for each chemical used in the pool area.

(15) **Make-up water:** Owners shall ensure an adequate supply of make-up water with associated piping, for each pool:

(a) Sufficient to replace daily pool losses;

(b) From a supply conforming to chapter 246-290 WAC;

(c) Without cross connections; and

(d) If using a pool fill spout, the spout may not project greater than one inch into the space above the water surface and shall be shielded so as not to create a deck hazard.

(16) **Filters:**

(a) Owners shall equip pools with filtration equipment:

(i) Meeting the applicable standards of NSF (for commercial application) or equivalent;

(ii) With a rate of flow indicator and gauge(s) for monitoring backpressure on filter;

(iii) With a means of discharging filter backwash to waste with a sight glass in a manner not creating a cross connection or a public nuisance;

(iv) With a means to release air entering the filter tank for pressure filters.

(b) If cartridge filters are used, owners shall always possess an extra set of cartridges and may not use cartridge filters with bypass valves.

(17) **Disinfection equipment:**

(a) Owners shall provide disinfection equipment:

(i) Providing a continuous and effective disinfectant residual;

(ii) Using a disinfectant with an easily monitored residual;

(iii) Having a design feed rate providing effective disinfection levels for peak demand conditions; and

(iv) Conforming to NSF standard 50 if disinfection chemical is other than gas chlorine.

(b) If disinfection equipment has adjustable output rate chemical feed of liquid solutions, the equipment shall:

(i) Feed under positive pressure in the recirculation system;

(ii) Provide a means for dosage adjustment; and

(iii) If the disinfection equipment is above pool water surface level, have provisions to prevent disinfectant solution siphoning when equipment is turned off.

(c) Solid tablets or granules may not be placed in skimmer basket.

(d) Rooms holding chlorine gas equipment must:

(i) Be above ground level;

(ii) Be constructed so all openings or partitions with adjoining rooms are sealed;

(iii) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the pool facility;

(iv) Have door(s) opening only outward to the out-of-doors; and

(v) Have a sign on the door exterior reading **DANGER CHLORINE** in large enough letters to be read twenty-five feet away.

(e) Chlorine rooms must have mechanical exhausting ventilation that includes:

(i) Air inlets located as far as possible from fan intakes to promote good air circulation patterns;

(ii) A minimum of one air change per minute in the chlorine room when fan is operating;

(iii) A remote switch outside the room or a door-activated switch to turn on fan before entering;

(iv) Suction for fan near the floor;

(v) Exhaust vents located to prevent chlorine contaminated air from being drawn into supply air; and

(vi) Screened chlorinator vents.

(f) Gas chlorine systems must:

(i) Be vacuum injection type, with vacuum-actuated cylinder regulators;

(ii) Provide integral backflow and antisiphon protection at the injector;

(iii) Have taring (net weight of cylinder gas) scales for determining chlorine weight; and

(iv) Have a means for automatic shutoff when water flow is interrupted.

(g) A self-contained breathing apparatus designed for use in chlorine atmospheres caused by chlorine leaks must be available in an area accessible to the operator outside the chlorine room. The apparatus must be maintained in accordance with department of labor and industry standards. If procedures are established for immediate evacuation and the owner has a written agreement with emergency service fire districts or other approved organizations within the area for promptly responding to chlorine leaks, then breathing protection is not required at the pool facility.

(h) Chlorine gas cylinders must:

(i) Be stored only in designated chlorine rooms;

- (ii) Have an approved valve-stem cylinder wrench on the valve stem to shut the system down in an emergency event;
- (iii) Be properly secured to prevent tipping;
- (iv) Be tagged to indicate cylinders are empty or full; and
- (v) Not exceed one hundred fifty pounds tare weight per cylinder.

(i) Owners shall ensure that chemical disinfectants are not hand-fed into pools actively in use. *Exception*, chemical disinfectants may be hand-fed on an emergency basis if no users are in the pool and the pool is tested to meet water quality standards before reentry.

(j) If ozone is provided as a supplemental disinfection process:

(i) When ozone is produced by corona discharge method, the area where the ozone is produced shall meet the requirements of (e) of this subsection, unless field tests demonstrate no hazardous off-gassing of product;

(ii) When ozone is produced by ultraviolet light, it may be allowed in the mechanical room provided there are no levels of off-gassing exceeding 0.05 ppm;

(iii) Provide an ozone detector and alarm with corona discharge ozone generators;

(iv) Provide sufficient contact chambers to prevent excess levels of ozone from entering the pool water; and

(v) Testing equipment must be provided to monitor levels in the water and the atmosphere immediately above the water and the room where the ozone is produced.

(k) If copper or copper/silver is provided as a supplemental disinfection process:

(i) The output rate and method of controlling process levels into the pool facility must be provided;

(ii) The system shall not have a detrimental effect on maintaining proper turnover rates for the pool; and

(iii) Testing equipment provided to monitor levels of copper and silver in the pool water.

(18) Chemical feeding equipment for pH control: Owners shall provide chemical feed equipment for pH control, with a means of automatic shutoff if water flow is interrupted, for:

- (a) Swimming pools fifty thousand gallons or greater;
- (b) Spa pools ten thousand gallons or greater; and
- (c) All pools treated with caustic soda or carbon dioxide.

(19) Ventilation: Owners shall provide adequate ventilation (in conformance with ASHRAE standards for pools and decks) to maintain air quality and to prevent moisture buildup in indoor areas. Design considerations must include maintaining negative pressure in the pool and deck area; providing adequate total airflow for acceptable air distribution; and preventing short-circuiting of fresh air return to exhaust.

(20) Locker room and dressing rooms:

(a) Owners shall provide general use pool facilities with locker rooms and dressing rooms having:

(i) Separate facilities for each gender constructed to block line of sight into locker rooms;

(ii) Water impervious nonslip floors properly sloped to drains to prevent standing water;

(iii) Easily cleanable walls, lockers, and benches (if provided);

(iv) Junctions between walls and floors coved for ease of cleaning; and

(v) Properly anchored lockers, (if provided), to prevent tipping.

(b) Owners shall provide limited use pool facilities with locker or dressing rooms meeting the requirements of (a) of this subsection if the pool facilities are located more than one-quarter mile from any served living units.

(c) Owners shall provide general use recirculating spray pool facilities with locker or dressing rooms meeting the requirements of (a) of this subsection if the pool facilities are located indoors.

(21) Restrooms, shower rooms, and plumbing fixtures:

(a) Owners shall provide general use pool facilities with restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.3 of this section (swim and wading pool bathing loads and spa bather capacity are additive for determining total bather load). The pool facility design shall provide users easy access to restroom and shower facilities with minimum nonuser cross traffic.

(b) Owners shall provide general use pool facilities with:

(i) Hose bibs with vacuum breakers around pool decks at a maximum spacing of one hundred fifty feet; accessible to each locker room; and within equipment room at facilities fifteen hundred square feet or more;

(ii) A janitor's sink at indoor facilities with a pool of fifteen hundred square feet or more; and

(iii) An operable drinking fountain conforming to ASA requirements at facilities with a pool fifteen hundred square feet or more.

(c) Owners shall provide limited use pool facilities with:

(i) Restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.3 of this section, if bathing load exceeds eighty persons;

(ii) Restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.4 of this section, if bathing load is eighty persons or less;

(iii) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet;

(iv) A hose bib accessible to each locker room; and

(v) A hose bib within each equipment room at facilities with a pool of fifteen hundred square feet or more.

Table 031.3

Restroom Minimum Requirements* for General Use Pools
(Includes swimming, spa, and wading pools**)

Amount of Fixtures Required for Occupancy Load by Sex		
TYPE OF FIXTURES	MALE	FEMALE
Toilets up to 120	1/60	1/40
From 121-360	1/80	1/60
Over 360 add	1/150	1/100
Urinal up to 120	1/60	N/A
From 121-360	1/80	N/A
From 360 add	1/150	N/A
Showers up to 120	1/40	1/40
From 121-360	1/60	1/60
Over 360 add	1/100	1/100
Sinks up to 200	1/100	1/100
From 201-400	1/200	1/200
Over 400 add	1/400	1/400
Diaper changing station	1	1

- * If sufficient supporting documentation is provided, restroom fixture numbers may be adjusted between the genders based on proposed use of the facility. (E.g., if the designer has experience and justification based on similar type facilities indicating that providing one additional shower for the women and one less for men

would provide a sufficient number of fixtures to meet demands, this may be allowed.)

- ** If a general use spa or wading pool is the only pool at the facility, then a minimum of only one toilet, shower, and sink is required for each gender.

Table 031.4
Restroom Minimum Requirements for Limited Use Pools
(Includes swimming, spa, and wading pools.)

POOLS WITH:	TOILETS	SHOWERS	SINKS	DRESSING ROOMS	DIAPER CHANGING STATION
Living units*within 100 feet and less than three stories	-	-	-	-	-
Living units > 100 feet but < 500 feet and less than 3 stories	1	1**	1	-	1
Living units within 1/4 mile and/or with three or more stories	1	1	1	-	1
Living units greater than 1/4 mile	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)

* "Living units" means all the units the facility serves.

** A shower is required only if a spa is present.

(d) Owners shall provide general use recirculating spray pool facilities with:

(i) Separate restroom facilities for each sex containing at least one toilet and handwashing sink;

(ii) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet; and

(iii) Additional plumbing fixtures, if indoors, conforming to the requirements for general use pools described in Table 031.3 of this section.

(e) Owners shall provide limited use recirculating spray pool facilities with:

(i) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet; and

(ii) A restroom facility containing at least one toilet and one handwashing sink, if living units served are farther than one hundred feet away from the main pool.

(f) Restroom facilities must be located convenient to, and no further than one hundred feet away from, the main pool. They must have flush toilets provided with toilet tissue in dispensers and handwashing sinks including:

(i) Hot and cold or tempered water delivered through a mixing faucet with a maximum temperature of one hundred twenty degrees Fahrenheit;

(ii) Single service soap in a nonglass dispenser;

(iii) Single service towels or electric hand dryer; and

(iv) A minimum running water cycle of at least ten seconds if the faucets have self-closing valves.

(g) Shower facilities must be located convenient to, and no more than one hundred feet away from, the main pool. The facilities must have:

(i) A design allowing a full-body shower in the nude;

(ii) A design providing an enclosure confining water to the shower area;

(iii) Nonslip floor impervious to water with sufficient drains to prevent water from standing within the shower areas;

(iv) Running water delivered at a temperature between ninety degrees and one hundred twenty degrees Fahrenheit;

(v) Single service soap in a nonglass dispenser; and

(vi) Wall surfaces impervious to water up to shower head height.

(h) If owners limit the number of bathers within their facility and post and enforce the maximum bather load, owners may base the number of required plumbing fixtures on the posted maximum bather load.

(i) Owners shall dispose of all wastewater in a manner approved by the local health officer.

(22) **Diaper changing stations:** Owners shall provide a diaper changing station, including a handwashing sink conforming to the requirements in subsection (21)(f) of this section, accessible to all bathers, if children in diapers are allowed in the pool facility and the facility is:

(a) A general use pool facility; or

(b) A limited use pool facility located more than one hundred feet away from living units served.

(23) **Lighting:** Owners shall design and maintain pool facility lighting to a minimum level as described in Table 031.5. Sufficient overhead and underwater lighting shall be maintained to clearly see the bottom of the pool at all times pool is in use. Owners shall provide protective shielding for all lighting fixtures above walking surfaces and pool areas.

Table 031.5*
Minimum Lighting Level Required at Water Recreation Facilities.

Location	Minimum Lighting Level
Indoor pool surface	30 foot candles
Outdoor pool surface*	10 foot candles
Pool Decks	10 foot candles
Locker rooms and mechanical rooms	20 foot candles

* Outdoor pool facilities, which are used in daylight hours only (before dusk) are not required to meet this standard.

(24) **Flow-through pools:** Flow-through pools may qualify for exceptions to recirculation if:

(a) Water supply is sufficient to provide the same turn-over period specified for recirculation pools;

(b) The source water supply meets acceptable quality requirements and is subject to a disinfection method as described under WAC 246-260-111(3);

(c) The introduction of fresh treated pool water is accomplished by the same type of inlet and outlet design required for recirculation pools; and

(d) The pool water quality complies with WAC 246-260-111.

[Statutory Authority: RCW 70.90.120. 05-09-004, § 246-260-031, filed 4/7/05, effective 5/8/05. Statutory Authority: Chapters 70.90 and 43.20 RCW. 04-18-096, § 246-260-031, filed 9/1/04, effective 10/31/04.]

WAC 246-260-041 Swimming pool design, construction, and equipment. For more general design, and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Location.** Owners shall ensure pump houses, planters, balconies, landscape features, trees, and structures are located fifteen feet or more horizontally away from any swimming pool, or provide barriers or other means to prevent diving or ready access to a pool from the structures. These structures do not include:

- (a) Building walkways above the second story;
- (b) Inaccessible roofs eight feet or more in height; or
- (c) Any barriers provided to prevent unauthorized pool access (e.g., fencing).

(2) **Walking deck surfaces.** Owners shall design and maintain walking deck surfaces as follows:

(a) For pools less than fifteen hundred square feet, walking deck surfaces must be at least four feet wide around the entire perimeter of pools;

(b) For pools less than fifteen hundred square feet, walking deck surfaces must be at least:

- (i) Six feet wide at the shallow end of a variable-depth pool; and
- (ii) Six feet wide on a minimum of twenty-five percent of the deck space of free form pools.

(c) For pools fifteen hundred square feet or larger, walking deck surfaces must be at least six feet wide:

- (i) Around the entire perimeter of outdoor pools;
- (ii) On fifty percent of the perimeter of indoor pools; and
- (iii) The remaining fifty percent perimeter of the indoor pool must be a minimum of four feet wide.

(d) For pools fifteen hundred square feet or more, walking deck surfaces must be at least sixteen square feet per bather. To determine maximum bather load see subsection (10) of this section. If the owner provides maximum facility occupancy loading less than that of subsection (10) of this section, and the occupancy limit is posted and enforced, that loading may be used in lieu of the maximum bather load figure as described under subsection (10) of this section; and

(e) General use pools may not have sand and grass areas within the pool enclosure unless these areas are separated to prevent direct access from the pool area and the facility provides a means for cleansing bather's feet before reentering the pool and deck area.

(3) Pool general floor and wall dimensional design.

(a) Owners shall ensure pool dimensional designs for floors and walls provide for safety, circulation and quality of water;

(b) Pool floors must have uniform slopes with:

(i) A maximum slope of a one-foot drop in twelve feet of run at pool depths to five or less in pools fifteen hundred square feet or more; and

(ii) Floor slopes not intruding into the area designated as the diving envelope.

(c) Pool sidewalls may not curve or intrude into the pool beyond the vertical more than twelve inches at three and one-half feet and eighteen inches at a depth of five feet. The radius of curvature of wall-floor junctions may not exceed the maximum radius designated in Table 041.1 of this section for depths over five feet. Vertical means walls not greater than eleven degrees from plumb:

Table 041.1

Maximum Radius Coving or Pool Intrusion Dimensions Between Pool Floor and Wall*

POOL DEPTH	3'	3'6"	5'	Greater than 5'
MINIMUM SIDEWALL DEPTH (Springline)	2'2"	2'6"	3'6"	At 3'6"
MAXIMUM RADIUS OF CURVATURE	10"	12"	1'6"	**Maximum radius equals pool depth minus the vertical wall depth

*Note: For pool depths falling between the depths listed, values can be interpolated.

For pool depths less than three feet and greater than five feet, values shall be extrapolated.

Radius of coving shall not intrude into pool within diving envelope.

(d) Pool configuration must have a transitional radius from wall to floor where floor slopes join walls so that:

(i) The center of the radius not less than the minimum vertical depth specified under Table 041.1 of this section below the water surface level;

(ii) The arc of the radius is tangent to the wall; and

(iii) The maximum radius of coving, or any intrusion into the pool wall/floor interface, is determined by subtracting the vertical wall depth from the total pool depth.

(4) **Ledges.** In new construction or alterations to existing construction, ledges are prohibited in swimming pool sidewalls, except as specified in WAC 246-260-091(3).

(5) **Specific design requirements for pools furnishing areas for diving.** Owners shall ensure areas designated for diving activities include a diving envelope meeting minimum requirements in:

(a) D-8.01, Table 1, APHA Public Pool Regulations, 1981, if the pool user would enter from the deck level twelve inches or less from water surface level.

(b) CNCA standard configuration in areas where user would enter from the deck level over twelve inches from water level, or has a platform or diving board provided at a height of less than one-half meter (twenty inches). This requirement is based on a standard described under CNCA publication *Swimming Pools: A Guide to Their Planning*,

Design, and Operation 1987, Fourth Edition. Human Kinetics Publisher, Inc., Champaign, Illinois, Figure 8.1; or

(c) Dimensions for Diving Facilities, FINA facility rules, 2000-2001, if the pool user enters from the diving board or platform at a height of twenty inches (one-half meter) or greater from water surface level.

(6) Pool appurtenances.

(a) If a swimming pool contains diving boards and/or diving platforms, owners shall ensure that the boards and platforms:

(i) Are installed according to manufacturer's instructions;

(ii) Have slip-resistant tread surfaces;

(iii) Have steps and ladders leading to diving boards with handrails; and

(iv) Are protected with guardrails and one intermediate rail, both extending at least to the water edge when one meter or more above the water.

(b) Owners shall ensure starting blocks:

(i) Are firmly secured when in use; and

(ii) If water depth is less than nine feet, starting blocks must be removed or covered with protective equipment unless used by competitive swimmers trained in proper use of starting blocks.

(c) Owners shall ensure that water slides conform with requirements of chapter 246-262 WAC.

(7) **Turnover.** Owners of swimming pools shall design and maintain water treatment recirculation rates to completely turn over the entire pool water volume of pool in six hours or less.

(8) **Pool depth markings.** Owners shall provide water depth markings in feet:

(a) Located on the pool vertical wall at or above the water level so as to be easily readable from the water, in numbers at least two inches high. If overflow channels do not allow for placement of vertical wall markings above the water level, they are not required;

(b) Located on the horizontal surface of pool coping or deck of pools within eighteen inches of the water's edge, easily readable while standing on the deck facing the water, in numbers at least four inches high;

(c) Placed at the maximum and minimum water depths and at all points of slope change;

(d) Spaced at increments of water depth of two feet or less;

(e) Spaced along sides of pools at horizontal intervals of twenty-five feet or less;

(f) Arranged uniformly on both sides and ends of pool;

(g) Placed on all major deviations in shape;

(h) Applied in a contrasting color; and

(i) Made of slip-resistant material on decks.

(9) Safety line or marking line.

(a) Owners shall provide either safety float lines or marking lines separating areas where the pool bottom breaks from a uniform slope in the shallow area leading to deeper water. Neither float lines or marking lines are required in pools with uniform floor slopes not exceeding one foot of slope for every twelve feet of horizontal floor length.

(b) Safety float lines, when used, must:

(i) Be kept in place at all times, except when the pool is used for a specific purpose such as lap swimming or competitive use;

(ii) Be placed one foot toward the shallow end away from the break point line;

(iii) Be strung tightly allowing bathers to hold onto the line for support;

(iv) Provide floats on the line at a minimum distance of every four feet; and

(v) Have a receptacle for receiving the safety line either recessed into the wall or constructed so as not to constitute a safety hazard when the safety line is removed.

(c) Marking lines, when used, must:

(i) Be placed on pool sides and bottoms at the break point line; and

(ii) Be of a contrasting color to the background color of the pool sidewalls and floor.

(d) In pools with uniform slopes not exceeding one foot of drop in twelve feet of run from the shallow end to the deep end, a safety float line or marking line is not required.

(10) **Bather load.** Owners shall ensure maximum number of bathers in the pool facility at any one time do not exceed a number determined by the formula noted under Table 041.2.

Table 041.2
Swimming Pool Maximum Bathing Load*

Type of pool	Value A (*SF Shallow (5 ft. or less))	Value B (SF Deep (> 5 ft.))	Maximum bather load Value A + B
Indoor	SF/25	SF/30	
Outdoor	SF/15	SF/30	

* This formula will be used in determining certain features of pools as noted elsewhere in these rules and regulations.

** SF means square feet of surface area.

(11) **Emergency equipment.** Owners shall provide first aid and have emergency equipment readily available at swimming pool facilities during operating hours, including:

(a) A telephone within the facility for general use pools;

(b) A telephone accessible within one minute for limited use pool facilities;

(c) A suitable area to accommodate persons requiring first-aid treatment;

(d) A standard 16-unit first-aid kit (see Appendix C, Table); and

(e) A blanket reserved for emergency use.

(f) For facilities with lifeguards:

(i) A rescue tube or rescue buoy at each pool lifeguard station; and

(ii) A backboard with means to secure a victim to a board and immobilize head, neck, and back.

(g) For pool facilities without lifeguards:

(i) A reaching pole at least twelve feet long with a double crook life hook;

(ii) A reaching pole at least twelve feet long for every fifteen hundred square feet of pool surface area; and

(iii) A throwing buoy, throw-rope bag, or other similar device with a rope the width of the pool or fifty feet long, whichever is less, for reaching and retrieving a victim.

(h) No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked with an emergency shut-off sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or have an alarm that goes to a point where staff is always present during the periods the pool is open.

(i) Pools providing dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.

(ii) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(iii) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

(12) **Foot baths.** Foot baths at water recreation facilities are prohibited. This does not preclude the construction and use of foot showers, if the area is well drained.

[Statutory Authority: RCW 70.90.120. 05-09-004, § 246-260-041, filed 4/7/05, effective 5/8/05. Statutory Authority: Chapters 70.90 and 43.20 RCW. 04-18-096, § 246-260-041, filed 9/1/04, effective 10/31/04.]

WAC 246-260-061 Special design and construction provisions for hotels and motels (transient accommodations) serving fewer than fifteen living units and for spas in individual hotel/motel rooms. (1) Owners are exempt from the requirements for design, construction, and equipment in WAC 246-260-031 and 246-260-051 for spa pools at limited use facilities serving less than fifteen living units, except for requirements listed in this section. Owners shall also ensure that chemicals are stored in a manner to minimize safety risks.

(2) The requirements in WAC 246-260-031 (1), (2), (3), (4), (5), (6), (8)(b), (d)(iii), (d)(v), (e), (9), (10), (15), (16), (17), and Table 031.4 apply to prefabricated spa pools at limited use facilities serving less than fifteen living units.

(3) The requirements in WAC 246-260-051 (2)(b), (d), (e), (4), (5)(b), (c), and (e) apply to prefabricated spa pools at limited use facilities serving less than fifteen living units.

(4) Spa pools that are drained, cleaned and refilled between patron use in individual hotel/motel rooms are exempt from these requirements. Spas that are not drained, cleaned and refilled between use shall at least:

(a) Conform with WAC 246-260-031(4) on barriers beyond the room itself, such that the guest room plus any associated lanai or deck may be considered an enclosure unit.

(b) Conform with WAC 246-260-031(17) on disinfection equipment and conform with water quality requirements of WAC 246-260-111 for disinfection and pH.

[Statutory Authority: RCW 70.90.120. 05-09-004, § 246-260-061, filed 4/7/05, effective 5/8/05. Statutory Authority: Chapters 70.90 and 43.20 RCW. 04-18-096, § 246-260-061, filed 9/1/04, effective 10/31/04.]

WAC 246-260-091 Specialty design features. (1) Owners providing special features shall ensure the features meet the requirements of this section.

(2) **Benches.** A single bench or seat that is recessed from the general wall of the swimming pool may be built into the

shallow area of the pool, if it meets the following conditions. The bench: (See figure 091.1.)

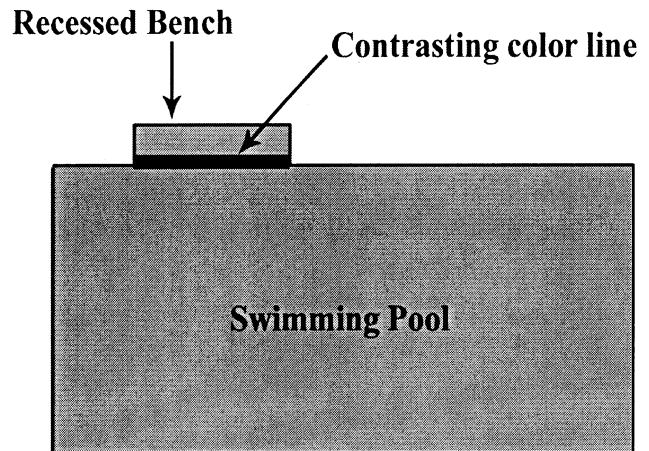
(a) May not be located in an area that is used for lap swimming;

(b) May not exceed twenty percent of the length of the side it is located on or five percent of the perimeter of a free form pool;

(c) Must have a minimum two-inch or wider durable continuous line of a contrasting color on the top and side of the bench edge, so as to be readily visible to persons standing on the deck and persons swimming in the water; and

(d) The area of the deck above the bench must be labeled in nonslip lettering at least four inches high: "NO DIVING."

figure 091.1



(3) **Ledges.** In general use swimming pools, a single ledge may be built into the deep end of the pool, if:

(a) The ledge construction conforms with FINA facilities rules, 2001-2002, Swimming Pools, FR2.4.2;

(b) The ledge is in a contrasting color from the rest of the pool for easy visibility.

(4) **Waterfalls.** A waterfall feature may be built at swim pool or spa pool facilities if the following conditions are met:

(a) If located in or adjacent to shallow swimming pool water levels, it must be set back from the edge of the pool a distance specified in Table 091.2; exceptions may be made for lifeguarded pools;

(b) If located at, or adjacent to, deep swimming pool water levels, it will be considered a diving platform and the adjacent pool area must conform to diving envelope design specified in WAC 246-260-041(5);

(c) Minimum walkway areas required in other sections of this chapter must be maintained around pools;

(d) Water in waterfalls that commingles with pool water must meet water quality and treatment requirements specified in other sections of this chapter and any additional disinfection required by the department or local health officer to address anticipated increased demands and aerosolization of disinfectant;

(e) Flows may not create turbulence that might create a safety hazard or reduce visibility in the pool; and

(f) Waterfalls that flow from pool sidewalls may not exceed five percent of the total pool perimeter.

Table 091.2

Set-Back Requirements for Special Water Features in Pools at Shallow Swimming Pool Water Levels*

Height of Feature Above Pool Water Level	Type of Special Feature		
	Waterfall	Rockery	Planting
12 inches or less	Feature may spill directly to pool from sidewall	Setback of 4 feet or more from pool edge; except at pools that are continuously lifeguarded. Five percent of deck perimeter may have feature provided up to pool edge.	Setback of 4 feet or more from pool edge.
Greater than 12 inches and less than 30 inches	Setback of 8 feet or more from pool edge.		
Greater than or equal to 30 inches	Setback of 15 feet or more from pool edge.		

* Guarded pool setbacks shall be established in a preconstruction design conference with the owner, designer and health department.

(5) **Rockeries.** A decorative rock feature may be built at a swim pool or spa pool facility, if the following conditions are met:

(a) If located adjacent to shallow swimming pool water, it must be set back from the edge of the pool a distance specified in Table 091.2; exceptions may be made for lifeguarded pools;

(b) If located at or adjacent to deep swimming pool water levels, it will be considered a diving platform and the adjacent pool area must conform to diving envelope design specified in WAC 246-260-041(5);

(c) The design has a nonslip surface without sharp or cutting edges in any areas that provide a potential foothold, stepping or standing access; and

(d) It slopes to drain water away from the pool.

(6) **Play toy equipment.** Play toy equipment may be built at pool facilities provided the following conditions are met:

(a) Can only be used in lifeguarded pools;

(b) It must comply with the requirements of chapter 246-262 WAC;

(c) Its design conforms to ASTM standard F1292 including establishing fall zones;

(d) Surfaces must be easily cleanable;

(e) It must be operated in accordance with a written plan of operation developed by the owner, addressing placement of the toy, protection from falls, entrapment, entanglement of bathers from each other, and visibility of users to lifeguards; and

(7) **Special use pools.** At least thirty days prior to development of final plans and specifications, owners shall submit proposals at a preliminary design conference for pools designed for special use purposes (e.g., scuba training, kayaking, portable rental spas, sensory deprivation tanks, public promotions at sports fields, county fairs, and any special events using portable pools) to the department or local health officer for review and approval. The department or local health officer has flexibility in applying portions of this chapter or additional requirements necessary to assure health and safety for users of these special use pools.

(8) **Ballet rails.**

(a) Owners may install ballet-type rails on pools having uses limited to exercise and training;

(b) Owners may install ballet-type rail on general or limited use pools, if:

(i) The rail is inset into the wall to preclude any obstructions in the pool; and

(ii) The rail is removable and covers are provided and used to maintain a flush surface in general use pools.

[Statutory Authority: RCW 70.90.120, 05-09-004, § 246-260-091, filed 4/7/05, effective 5/8/05. Statutory Authority: Chapters 70.90 and 43.20 RCW, 04-18-096, § 246-260-091, filed 9/1/04, effective 10/31/04.]

WAC 246-260-131 Operation of water recreation facilities. (1) **Operation plan.** Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing standard practices and developing a written operations manual addressing each of the following:

(a) Physical pool facility components and signage;

(b) Personnel;

(c) Users and spectators, including pool rules;

(d) Emergency response provisions;

(e) Diving during supervised swimming instruction into water depths recognized as adequate by the organization certifying the activity, such as ARC; and

(f) Environmental conditions.

(2) **Physical components.** Owners shall check each WRF's physical components routinely to ensure:

(a) Barrier protection, emergency equipment and structural facilities are properly maintained.

(b) Water does not pond on walking surfaces;

(c) Common articles provided for patrons, such as towels, bathing suits, bathing caps, etc., are sanitized before reuse;

(d) Sanitation items including toilet tissue, handwashing soap and single use towels or equivalent are maintained at facilities;

(e) Treatment of the water recreation pool facility occurs continuously at turnover rates required by this chapter twenty-four hours a day during periods of use;

(f) Swimming, spa, wading and spray pools shall be equipped with drain covers that are properly maintained, intact and secured to protect against entrapment.

(g) Extra filter cartridge provided for each cartridge filter.

(3) **Food service.** If food service is provided and allowed, the owner shall:

(a) Ensure food and beverage sale and consumption areas at general use pools are separated from pool and deck enclosure areas;

(b) Prohibit food and beverage in pool water at limited use pools and maintain a minimum four-foot clear area between pool edge and any tables and chairs provided for food service;

(c) Prohibit use of glass in pool facility and provide trash containers; and

(d) Prohibit the sale or consumption of alcohol at general use pools.

(4) **Spa and recirculating spray pool reservoir cleaning.** Owners shall routinely drain, clean and refill spa and recirculation spray pools at a minimum frequency specified by the following formula.

Spa or spray pool reservoir volume in gallons/3/average number of users per day = Number of days between draining, cleaning and refilling.

(5) Signage for user rules.

(a) Owners shall provide and maintain signage specifying user rules and safety information required by this section in a conspicuous place in the pool area with easily readable lettering at least three-eighths of an inch high. All swimming, spa and wading pool facilities must have signs stating pool rules:

(i) Prohibiting use by anyone running or participating in horseplay;

(ii) Prohibiting use by anyone under the influence of alcohol or drugs;

(iii) Prohibiting use by anyone with a communicable disease or anyone who has been ill with vomiting or diarrhea within the last two weeks;

(iv) Prohibiting anyone from bringing food or drink into the pool water;

(v) Requiring everyone to have a cleansing shower before entering the pool;

(vi) Requiring anyone in diapers to wear protective covering to prevent contamination;

(vii) Requiring diapers to be changed at designated diaper change areas;

(viii) Warning patrons that anyone refusing to obey the pool rules is subject to removal from the premises;

(ix) Directing patrons to the location of the nearest telephone and first-aid kit for emergency use;

(x) Advising patrons that anyone with seizure, heart, or circulatory problems should swim with a buddy; and

(xi) Where diving boards are used, provide signs for proper use.

(b) All swimming, spa, and wading pool facilities where lifeguards or attendants are not present shall have signs stating additional pool rules that:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older must accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If an individual between thirteen years of age and seventeen years of age is using the pool, at least one other person must be at the pool facility.

(c) All spa pool facilities must have signs stating additional pool rules:

(i) Cautioning that children under the age of six should not use a spa pool;

(ii) Cautioning that persons suffering from heart disease, diabetes, or high blood pressure should consult a physician before using a spa pool;

(iii) Cautioning that women who are or might be pregnant seek physician's advice regarding using a spa pool;

(iv) Cautioning everyone to limit the stay in the spa pool to fifteen minutes at any one session; and

(v) Posting the maximum bather capacity of each spa pool.

(d) All spray pool facilities must have signs stating pool rules as specified in (a)(i), (ii), (iii), (iv), (v), (vi), and (viii) of this subsection.

(6) Required personnel.

(a) Owners shall ensure appropriate personnel specified in this subsection provide monitoring at pool facilities.

(b) General use swimming pool facilities shall have lifeguards present at all times pools are in use; except:

(i) If swim or dive teams are facility users, the owner may allow substitution of a qualified coach properly credentialed by the sponsoring organization furnishing the swim or dive coach; and

(ii) Owners may substitute persons with Master Scuba Diver Trainer or Master Scuba Diver Instructor certification through PADI or SCUBA instructor, assistant instructor or divemaster through NAUI or other department-approved training in lieu of lifeguards for SCUBA training.

(iii) PADI or NAUI certified scuba instructing staff shall maintain the following conditions:

(A) Limit number of persons training to ten persons per instructor.

(B) Ensure all persons being instructed are monitored at all times while in the pool to ensure thirty-second response time can be provided.

(iv) Private club swimming pool facilities must have lifeguards present at all times persons sixteen years of age and younger are using the pool facilities, except:

(A) Attendants or shallow water lifeguards may supervise persons thirteen through sixteen years of age when these users are restricted to a pool depth less than or equal to five feet; and

(B) Attendants or shallow water lifeguards may supervise all persons sixteen years of age and under if the entire pool depth is less than four and one-half feet.

(c) If a spa or wading pool is in same enclosure as a swimming pool, all pools are subject to the most stringent monitoring personnel requirements applicable for any pool in the enclosure unless barriers that conform to WAC 246-260-031(4) restrict access between pools.

(d) The use of spas or wading pools not requiring lifeguards or attendants is subject to the following conditions:

(i) If the pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older must accompany the children and be at the pool or pool deck at all times the children use the facility;

(ii) If the pool is used by persons seventeen years of age or under, a minimum of two people must be at the pool facility at all times the pool is in use;

(iii) The owner shall post the requirements of this subsection to assure the responsible person is notified of conditions for use of the facility.

(e) Limited use pool facilities must have an equivalent or greater level of supervision as specified for private clubs in (b)(iv) of this subsection during any times when activities are provided that put the pools into the category of general use pools.

(f) At limited use pool facilities, if alcohol is sold within the pool facility, the owner must provide a lifeguard or attendant at the pool area.

(g) All pool facilities must have a water treatment operator.

(7) Personnel duties and equipment.

(a) Owners shall ensure personnel are present at each WRF who perform duties specified in this subsection.

(b) Lifeguards, shallow water lifeguards and swim coaches shall guard assigned pool users and provide a rescue response time of thirty seconds or less.

(c) Attendants, if provided at pools not requiring lifeguards, shall oversee pool use by the bathers and provide supervision and elementary rescues such as reaching assists to bathers in need. This does not mean the person is qualified or trained to make swimming rescues.

(d) Owners shall notify responsible persons on the conditions for facility use at pools not requiring lifeguards and for which no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users seventeen years of age or under including, but not limited to, a person:

(i) Renting an apartment, hotel, motel, RV camp, etc.; or

(ii) Who is an owner or member of a condominium, homeowner's association, fraternity, equity ownership facility, mobile home park, sorority, or private club with a pool facility.

(e) Water treatment operators shall assure the water treatment components of each WRF are functioning to protect health, safety and water quality.

(f) Owners shall ensure that lifeguards, shallow water lifeguards, swim coaches, and attendants:

(i) Wear a distinguishing suit/uniform, or emblem; and

(ii) Carry a whistle or equivalent signaling device.

(8) Personnel training.

(a) Owners shall ensure that pool personnel required by subsection (6) of this section have skills necessary for their duties, obtained by training and certification specified in Table 131.1 in Appendix B, or equivalent.

(b) Owners shall keep a copy at the WRF of each currently valid certification required for pool personnel.

(c) Owners shall ensure safety-monitoring personnel obtain continuing education needed to maintain lifeguarding skills and maintain valid certifications required by this subsection.

(d) If SCUBA or kayaking lessons are conducted at a pool, owners shall ensure that personnel monitoring these activities are trained to recognize special hazards associated with these activities.

(9) Emergency response plan.

(a) Owners shall prepare and implement emergency response plans specified in this subsection.

(b) In pool facilities where lifeguards, shallow water lifeguards, or swimming coaches are required by subsections (6) and (7) of this section:

(i) Sufficient qualified personnel must be present and appropriately located to provide a rescue response time of thirty seconds or less for all pool users;

(ii) The number and qualifications of personnel present must be based on factors dealing with pool depth, line of sight, bather load, potential emergency procedures, and personnel rotation;

(iii) Emergency response drills must be held two or more times each year to test whether thirty-second response time can be met; and

(iv) A record of each response drill must be kept at the WRF for three or more years.

(c) In pool facilities where lifeguards are not present, in accordance with subsection (6)(c) and (e) of this section, owners shall adopt rules, provide enforcement of conditions for pool use and notify users when first using facility and at least annually thereafter that conditions for use include:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older shall accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If anyone seventeen years of age or less is using the pool, a minimum of two people shall be at the pool facility.

(d) Emergency equipment specified in WAC 246-260-041, 246-260-051, and 246-260-071 must be readily available during WRF operating hours.

(e) In facilities where chlorine gas is used:

(i) WRF personnel shall conduct annual emergency drills; and

(ii) The plan shall identify the location of accessible chlorine cylinder repair kits.

(f) Operators shall ensure that lifeguards, shallow water lifeguards, and swim coaches receive ongoing training of emergency response skills.

(10) Environmental conditions. Owners shall monitor various environmental conditions affecting the facility or potentially affecting the health and safety of users. Owners shall close the WRF or take other appropriate action in response to adverse environmental factors, (e.g., electrical storms, fog, wind, and visibility problems) to ensure that the health and safety of users are protected.

(11) Closure. Owners shall close the facility when the facility presents an unhealthful, unsafe, or unsanitary condition. These conditions include lack of compliance with the water quality or an operation requirement in this section or in WAC 246-260-111.

[Statutory Authority: RCW 70.90.120. 05-09-004, § 246-260-131, filed 4/7/05, effective 5/8/05. Statutory Authority: Chapters 70.90 and 43.20 RCW. 04-18-096, § 246-260-131, filed 9/1/04, effective 10/31/04.]

WAC 246-260-171 Compliance. (1) Except as provided in subsections (2), (4), and (5) of this section, existing water recreation facilities with approved plans prior to October 31, 2004, that do not fully comply with the design, construction, and equipment requirements in WAC 246-260-031, 246-260-041, 246-260-051, 246-260-061, 246-260-071, and 246-260-081 may be continued in use.

(2) Owners of all facilities shall comply with the operational requirements in WAC 246-260-101 through 246-260-151.

(3) Owners of facilities designed and constructed after the effective date of these regulations shall comply with all applicable sections of the design, construction and equipment requirements in WAC 246-260-021 through 246-260-091.

(4) Facilities constructed prior to the effective date of these regulations shall comply with the barrier protection requirements in WAC 246-260-031 (4) and (5) and the emergency equipment requirements established in WAC 246-260-041 (11)(h); 246-260-071(7); and 246-260-081(4) by the compliance deadlines specified in the regulations. Barrier modifications or emergency shutoff switches made prior to the compliance deadlines shall meet the requirements in WAC 246-260-031 (4) and (5); and WAC 246-260-041 (11)(h); 246-260-071(7); and 246-260-081(4) at the time the modifications are made.

(5) When owners are modifying the physical plant of their facilities, they are required to upgrade the area of the physical plant being modified to conform to current requirements. For example, when owners having pool facilities with single main drains are changing or modifying their main drains they shall modify the main drains in compliance with the current requirements. This includes, but is not limited to:

(a) Resurfacing of pools that involves alteration of the drains; or

(b) Changes to the main drain outlet sump or its recirculation piping.

[Statutory Authority: RCW 70.90.120. 05-09-004, § 246-260-171, filed 4/7/05, effective 5/8/05. Statutory Authority: Chapters 70.90 and 43.20 RCW. 04-18-096, § 246-260-171, filed 9/1/04, effective 10/31/04.]

Chapter 246-272 WAC ON-SITE SEWAGE SYSTEMS

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-272-00101 Purpose, objectives, and authority. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-00101, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-00501 Administration. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-00501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-01001 Definitions. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-01001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-02001 Local regulation. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-02001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-03001 Applicability. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-03001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-04001 Alternative systems and proprietary devices. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-04001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-05001 Experimental systems. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-05001, filed 4/15/94,

effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-07001 Connection to public sewer system. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-07001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-08001 Large on-site sewage systems (LOSS). [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-08001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-09001 Permits for OSS under three thousand five hundred gallons per day. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-09001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-09501 Location. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-09501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-11001 Soil and site evaluation. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-11001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-11501 Design. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-11501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-12501 Holding tank sewage systems. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-12501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-13501 Installation. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-13501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-14501 Inspection. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-14501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-15501 Operation and maintenance. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-15501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-16501 Repair of failures. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-16501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-17501 Expansions. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-17501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-18501 Abandonment. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-18501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-19501 Septage management. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-19501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

246-272-20501 Developments, subdivisions, and minimum land area requirements. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-20501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective

246-272-21501	7/1/07. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC. Areas of special concern. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-21501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-22501	Certification of designers, installers, pumpers, inspectors, and maintenance personnel. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-22501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-23501	Technical review committee. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-23501, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-24001	State advisory committee. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-24001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-25001	Waiver of state regulations. [Statutory Authority: RCW 43.20.050. 95-09-018, § 246-272-25001, filed 4/11/95, effective 5/12/95; 94-09-025, § 246-272-25001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-26001	Enforcement. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-26001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-27001	Notice of decision—Adjudicative proceeding. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-27001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.
246-272-28001	Severability. [Statutory Authority: RCW 43.20.050. 94-09-025, § 246-272-28001, filed 4/15/94, effective 1/1/95.] Repealed by 05-15-119, filed 7/18/05, effective 9/15/05. Statutory Authority: RCW 43.20.050. Later promulgation, see chapter 246-272A WAC.

Chapter 246-272A WAC ON-SITE SEWAGE SYSTEMS

WAC

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WAC 246-272A-0001 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

- (a) The potential for public exposure to sewage from on-site sewage systems; and
- (b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

- (a) Achieve effective long-term sewage treatment and effluent dispersal; and
- (b) Limit the discharge of contaminants to waters of the state.

(3) The state board of health is authorized under RCW 43.20.050 to establish minimum requirements for the department of health and local boards of health, and consistent with RCW 43.70.310 integrating the preservation of public health with protection of the environment in order to endorse policies in common.

(4) This chapter is intended to coordinate with other applicable statutes and rules for the design of on-site sewage systems under chapter 18.210 RCW and chapter 196-33 WAC.

(5) This chapter is intended to coordinate with other applicable statutes for land use planning under chapters 36.70 and 36.70A RCW, and the statutes for subdivision of land under chapter 58.17 RCW.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0001, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0005 Administration. The local health officers and the department shall administer this chapter under the authority and requirements of chapters 70.05, 70.08, 70.118, 70.46, and 43.70 RCW. RCW 70.05.060(7)

authorizes local health officers to charge fees for the administration of this chapter.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0005, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0010 Definitions. (1) Acronyms used in this chapter:

"ANSI" means American National Standards Institute.

"BOD" means biochemical oxygen demand, typically expressed in mg/L.

"CBOD₅" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

"FC" means fecal coliform, typically expressed in number colonies/100 ml.

"LOSS" means a large on-site sewage system (see chapter 246-272B WAC).

"NSF" means National Sanitation Foundation International.

"O&G" (formerly referred to as FOG) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

"OSS" means on-site sewage system.

"RS&G" means recommended standards and guidance.

"SSAS" means a subsurface soil absorption system.

"TAC" means the technical advisory committee established in WAC 247-272A-0400.

"TN" means total nitrogen, typically expressed in mg/L.

"TSS" means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.

"USEPA" means United States Environmental Protection Agency.

(2) Definitions used in this chapter:

"Additive" means a commercial product added to an on-site sewage system intended to affect the performance or aesthetics of an on-site sewage system.

"Approved" means a written statement of acceptability issued by the local health officer or the department.

"Bed" means a soil dispersal component consisting of an excavation with a width greater than three feet.

"Building sewer" means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any on-site sewage system or component, meeting any of the following criteria:

(a) In full compliance with new construction requirements under this chapter; or

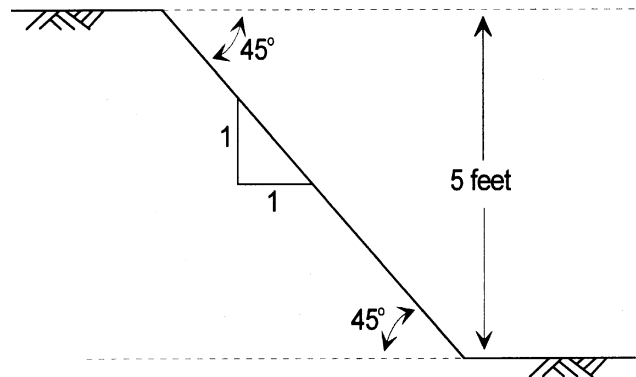
(b) Approved, installed and operating in accordance with requirements of previous editions of this chapter; or

(c) Permitted by the waiver process under WAC 246-272A-0420 that assures public health protection by higher treatment performance or other methods.

"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten percent organic content. Cover

material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Department" means the Washington state department of health.

"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology. Throughout this chapter this term applies to both on-site sewage treatment system designers licensed under chapter 18.210 RCW and professional engineers licensed under chapter 18.43 RCW.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

"Development" means the creation of a residence, structure, facility, subdivision, site, area, or similar activity resulting in the production of sewage.

"Disinfection" means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

"Distribution technology" means any arrangement of equipment and/or materials that distributes sewage within an on-site sewage system.

"Drain field" see subsurface soil absorption system (SSAS) and soil dispersal component.

"Drainrock" means clean washed gravel or crushed rock ranging in size from three-quarters inch to two and one-half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

"Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

"Expanding clay" means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.

"Expansion" means a change in a residence, facility, site, or use that:

(a) Causes the sewage quantity or quality to exceed the existing design flow of the on-site system, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Extremely gravelly" means soil with sixty percent or more, but less than ninety percent rock fragments by volume.

"Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

(a) Sewage on the surface of the ground;

(b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

(c) Sewage leaking from a sewage tank or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;

(e) Inadequately treated effluent contaminating ground water or surface water; or

(f) Noncompliance with standards stipulated on the permit.

"Fecal coliform" means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection. Generally expressed as colonies per 100 ml.

"Gravelly" means soils with fifteen percent or more, but less than thirty-five percent rock fragments by volume.

"Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

"Ground water" means subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often indicate the intermittent presence of ground water and may indicate poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Hydraulic loading rate" means the amount of effluent applied to a given treatment step, in this chapter expressed as gallons per square foot per day (gal/sq.ft./day).

"Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry

houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Infiltrative surface" means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.

"Installer" means a person approved by the local health officer to install on-site sewage systems or components.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"Maintenance" means the actions necessary to keep the on-site sewage system components functioning as designed.

"Massive structure" means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind.

"Moderate structure" means well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.

"Monitoring" means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.

"On-site sewage system" (OSS) means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

"Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

"Ordinary high-water mark" means the mark on lakes, streams, springs, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Ped" means a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

"Planned unit development" means a subdivision characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Platy structure" means soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a SSAS, as described in the department's *Recommended Standards and Guidance for Pressure Distribution Systems*, 2001. A subsurface drip system may be used wherever the chapter requires pressure distribution.

"Professional engineer" means a person who is currently licensed as an engineer under the provisions of chapter 18.43 RCW.

"Proprietary product" means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.

"Public domain technology" means a sewage treatment and distribution technology, method, or material not subject to a patent or trademark.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport sewage or septage from on-site sewage systems.

"Record drawing" means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

"Repair" means the relocation, replacement or reconstruction of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Rock fragment" means rock or mineral fragments having a diameter of two millimeters or more; for example, gravel, cobbles, stones, and boulders.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Septic tank" means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or

sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Septic system" see on-site sewage system or OSS.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

"Sewage quality" means contents in sewage that include:

(a) CBOD₅, TSS, and O&G;

(b) Other parameters that can adversely affect treatment.

Examples include pH, temperature, and dissolved oxygen;

(c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

"Sewage tank" means a prefabricated or cast-in-place septic tank, pump tank/dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to on-site sewage systems including tanks for use with proprietary products.

"Soil dispersal component" means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and dispersal medium for sewage.

"Soil scientist" means a person certified by the American Society of Agronomy as a Certified Professional Soil Scientist.

"Soil type" means one of seven numerical classifications of fine earth particles and rock fragments as described in WAC 246-272A-0220 (2)(e).

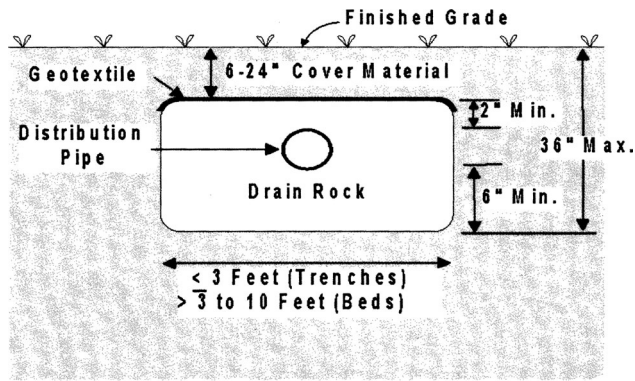
"Standard methods" means the *20th Edition of Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

"Strong structure" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, including both long and short subdivisions, planned unit developments, and mobile home parks.

"Subsurface drip system" means an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called dripline) as described in the department's *Recommended Standards and Guidance for Subsurface Drip Systems*.

"Subsurface soil absorption system" (SSAS) means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with either gravity or pressure distribution of the treatment component effluent.



"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, irrigation canals and tidal waters.

"Timed dosing" means delivery of discrete volumes of sewage at prescribed time intervals.

"Treatment component" means a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

"Treatment level" means one of six levels (A, B, C, D, E, & N) used in these rules to:

(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and

(b) Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

"Treatment sequence" means any series of treatment components that discharges treated sewage to the soil dispersal component.

"Trench" means a soil dispersal component consisting of an excavation with a width of three feet or less.

"Unit volume of sewage" means:

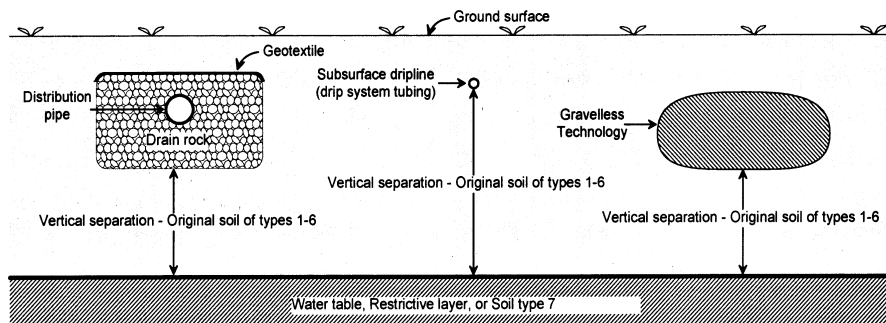
(a) Flow from a single-family residence;

(b) Flow from a mobile home site in a mobile home park;

or

(c) Four hundred fifty gallons of sewage per day where the proposed development is not single-family residences or a mobile home park.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1-6 between the bottom infiltrative surface of a soil dispersal component and the highest seasonal water table, a restrictive layer, or soil type 7 as illustrated below by the profile drawing of subsurface soil absorption systems:



"Very gravelly" means soil containing thirty-five percent or more, but less than sixty percent rock fragments by volume.

"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use. Excluded are:

(a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;

(b) An observation or monitoring well used to measure the effect of an OSS on a water table; and

(c) An interceptor or curtain drain constructed to lower a water table.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0010, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0015 Local management and regulation. (1) By July 1, 2007, the local health officers of health jurisdictions in the twelve counties bordering Puget Sound shall develop a written plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The plan must specify how the local health jurisdiction will:

(a) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;

(b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:

(i) Shellfish protection districts or shellfish growing areas;

(ii) Sole source aquifers designated by the USEPA;

(iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, chapter 36.70A RCW are critically impacted by recharge;

(iv) Designated wellhead protection areas for Group A public water systems;

(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(vi) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(vii) Wetland areas under production of crops for human consumption;

(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

(ix) Areas where nitrogen has been identified as a contaminant of concern; and

(x) Other areas designated by the local health officer.

(c) Identify operation, maintenance and monitoring requirements commensurate with risks posed by OSS within the geographic areas identified in (b) of this subsection;

(d) Facilitate education of homeowners regarding their responsibilities under this chapter and provide operation and maintenance information for all types of systems in use within the jurisdiction;

(e) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

(f) Maintain records required under this chapter, including of all operation and maintenance activities as identified; and

(g) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2);

(h) Describe the capacity of the local health jurisdiction to adequately fund the local OSS plan, including the ability to find failing and unknown systems; and

(i) Assure that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction.

(2) After being approved by the local board of health following a public hearing, the local health officers required to develop a written plan under subsection (1) of this section shall:

(a) Supply a copy of the plan to the department;

(b) Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction; and

(c) Implement the plan described in subsection (1) of this section.

(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by July 1, 2007, and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall provide in writing to the local board of health its review of the completeness of the plan.

(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.

(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and

(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.

(8) No later than July 1, 2006, the department shall develop guidance on local management programs to assist marine local health jurisdictions in plan development.

(9) Until such time as the local board of health decides to adopt its own rules, the local health officer shall enforce this chapter. Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:

(a) Consistent with, and at least as stringent as, this chapter; and

(b) Approved by the department prior to the effective date of local regulations.

(10) A local board of health shall apply for departmental approval of local regulations by initiating the following procedure:

(a) The local board shall submit the proposed local regulations to the department.

(b) Within ninety days of receipt, the department shall:

(i) Approve the regulation in writing; or
 (ii) Signify automatic tacit approval with the local regulations and permitting local implementation by failing to act; or

(iii) Deny approval of the regulations. If the department determines local regulations are not consistent with this chapter, the department shall provide specific reasons for denial.

(11) Upon receipt of departmental approval or after ninety days without notification, whichever comes first, the local board may implement adopted regulations. The local board shall provide a copy of the adopted local regulations to the department.

(12) If the department denies approval of local regulations, the local board of health may:

(a) Resubmit revised regulations for departmental consideration; or

(b) Submit a written request for a review of the departmental denial within one hundred twenty days from the date the local board of health receives the written reasons for the denial.

(13) Upon receipt of written request for review of the departmental denial, the department shall:

(a) Acknowledge the receipt of the request in writing; and

(b) Form a mutually acceptable advisory panel consisting of:

(i) One departmental employee;

(ii) One employee from a local health jurisdiction other than that which requested the review; and

(iii) One member of the technical advisory committee.

(14) If good faith efforts to reach agreement are unsuccessful, the local board of health may appeal the denial to the Washington state board of health for resolution.

(15) Nothing in this chapter shall prohibit the adoption and enforcement of more stringent regulations by local health departments.

(16) In the plan required in subsection (1) of this section and in local regulations, the local health officer may address water conservation and include options for the nonpotable reuse of gray water. Any treatment and dispersal of gray water outside the residence or structure must comply with this chapter.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0015, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0020 Applicability. (1) The local health officer:

(a) Shall apply this chapter to OSS treating sewage and dispersing effluent from residential sources with design flows up to three thousand five hundred gallons per day;

(b) May apply this chapter to OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources.

(c) May not apply this chapter to industrial wastewater.

(2) The department shall apply this chapter for the registration of proprietary treatment and distribution products.

(3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of five years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

(4) This chapter does not apply to facilities regulated as reclaimed water use under chapter 90.46 RCW.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0020, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0025 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer, upon the failure of an existing on-site sewage system may:

(a) Require hook-up to a public sewer system; or

(b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under WAC 246-272A-0300 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) The owner of a residence or other facility served by a system meeting the requirements of Table IX of this chapter shall abandon the OSS according to the requirements specified in WAC 246-272A-0300, and connect the residence or other facility to a public sewer system when:

(a) Connection is deemed necessary to protect public health by the local health officer;

(b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and

(c) The sewer utility allows the sewer connection.

(4) Local boards of health may require a new development to connect to a public sewer system to protect public health.

(5) Local boards of health shall require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0025, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0100 Sewage technologies. (1) The department may develop recommended standards and guidance to assist local health officers in permitting different types of sewage treatment and distribution technologies including the following four broad categories:

(a) Public domain treatment technologies (e.g., sand filters);

(b) Proprietary treatment products (e.g., aerobic treatment systems and packed bed filters);

(c) Public domain distribution technologies (e.g., gravel or generic gravel substitutes, gravity and pressure distribution methods and materials);

(d) Proprietary distribution products (e.g., subsurface drip products or gravelless distribution products).

(2) All types of sewage technologies must have either standards for use described in this chapter or departmental recommended standards and guidance before the local health officer may permit them. Recommended standards and guidance may include information and detail such as:

- (a) Application;
- (b) Design;
- (c) Installation;
- (d) Operation, monitoring and maintenance;
- (e) Performance expectations; and
- (f) Sources of information.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0100, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0110 Proprietary treatment products—Certification and registration. (1) Manufacturers shall register their proprietary treatment products with the department before the local health officer may permit their use.

(2) To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products in Washington state shall:

(a) Verify product performance through testing using the testing protocol established in Table I and register their product with the department using the process described in WAC 246-272-0120;

(b) Report test results of influent and effluent sampling obtained throughout the testing period (including normal and stress loading phases) for evaluation of constituent reduction according to Table II;

(c) Demonstrate product performance according to Table III. All thirty-day averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and

(d) For registration at levels A, B, and C verify bacteriological reduction according to WAC 246-272A-0130.

(3) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility accredited by ANSI:

(a) ANSI/NSF Standard 40—Residential Wastewater Treatment Systems;

(b) NSF Standard 41: Non-Liquid Saturated Treatment Systems;

(c) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation; or

(d) Protocol for bacteriological reduction described in WAC 246-272A-0130.

(4) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility meeting the requirements established by the Testing Organization and Verification Organization, consistent with the test protocol and plan:

(a) EPA/NSF—Protocol for the Verification of Wastewater Treatment Technologies; or

(b) EPA Environmental Technology Verification Program protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction.

(5) Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

TABLE I

Testing Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Required Testing Protocol
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	ANSI/NSF 40—Residential Wastewater Treatment Systems (protocols dated between July 1996 and the effective date of these rules)
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies/ EPA Environmental Technology Verification (April 2001)
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	NSF/ANSI Standard 41: Non-Liquid Saturated Treatment Systems (September 1999) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation (April 2000)
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction/EPA Environmental Technology Verification Program (November, 2000)

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Testing Results Reported
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Report test results of influent and effluent sampling obtained throughout the testing period for evaluation of constituent reduction for the parameters: CBOD ₅ , and TSS: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Average <input type="checkbox"/> Minimum <input type="checkbox"/> Median <input type="checkbox"/> 30-day Average (for each month) </div> <div> <input type="checkbox"/> Standard Deviation <input type="checkbox"/> Maximum <input type="checkbox"/> Interquartile Range </div> </div> For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within thirty-day or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See WAC 246-272A-0130. Test report must also include the individual results of all samples drawn throughout the test period.
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for: CBOD ₅ , TSS and O&G. Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Report test results on all required performance criteria according to the format prescribed in the NSF test protocol described in Table I.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I.

TABLE III

Product Performance Requirements for Proprietary Treatment Products						
Treatment Component/Sequence Category	Product Performance Requirements					
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Treatment System Performance Testing Levels					
	Level	Parameters				
		CBOD₅	TSS	O&G	FC	TN
	A	10 mg/L	10 mg/L	—	200/100 ml	—
	B	15 mg/L	15 mg/L	—	1,000/100 ml	—
	C	25 mg/L	30 mg/L	—	50,000/100 ml	—
	D	25 mg/L	30 mg/L	—	—	—
	E	125 mg/L	80 mg/L	20 mg/L	—	—
	N	—	—	—	—	20 mg/L
	Values for Levels A - D are 30-day values (averages for CBOD ₅ , TSS, and geometric mean for FC.) All 30-day averages throughout the test period must meet these values in order to be registered at these levels. Values for Levels E and N are derived from full test averages.					
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	All of the following requirements must be met: (1) All full test averages must meet Level E; and (2) Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .					

TABLE III

Product Performance Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Product Performance Requirements
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Test results must meet the performance requirements established in the NSF test protocol.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Test results must establish product performance effluent quality meeting Level N, when presented as the full test average.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0110, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0120 Proprietary treatment product registration—Process and requirements. (1) Manufacturers shall register their proprietary treatment product(s) with the department by submitting a complete application in the format provided by the department, including:

(a) Manufacturer's name, mailing address, street address and phone number;

(b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to represent the manufacturer in this capacity;

(c) Name, including specific brand and model, of the proprietary treatment product;

(d) A description of the function of the proprietary treatment product along with any known limitation on the use of the product;

(e) Product description and technical information, including process flow drawings and schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;

(f) For treatment systems in Category 2, daily capacity of the model or models in pounds per day of CBOD₅;

(g) Siting and installation requirements;

(h) Detailed description, procedure and schedule of routine service and system maintenance events;

(i) Estimated operational costs for the first five years of the treatment component's life. This shall include both estimated annual electricity costs, and routine maintenance costs, including replacement of parts;

(j) Identification of information subject to protection from disclosure of trade secrets;

(k) Copies of product brochures & manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions*;

(l) The most recently available product test protocol and results report;

(m) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accurate, and complete. I understand and accept that the product testing results reported with this application for registration are the parameters and values to be used for determining conformance with Treatment System Performance Testing Levels established in chapter 246-272A WAC";

(n) A signed and dated certification from the testing entity including the statement, "I certify that I represent (INSERT TESTING ENTITY NAME), that I am authorized to report the testing results for this proprietary treatment product. I attest, under penalty of law, that the report about the test protocol and results is true, accurate, and complete"; and

(o) The fee described in WAC 246-272A-990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application, consistent with the provisions of their test protocol for the certification of other products within a product series. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary treatment products.

(4) All registrations are valid for up to one year, expiring on December 31 of each year. Fees are not prorated.

(5) In order to renew technology registration, a manufacturer shall:

(a) Apply for renewal of product registration using the form or in the format provided by the department.

(b) Submit the results of retesting, if the product has completed retesting according to the protocol required for registration and a report from the testing entity has been issued since initial registration or previous renewal. Renewal shall be based on the most recent test results.

(c) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements for initial registration.

(d) Submit the fee established in WAC 246-272A-990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary treatment products meeting the registration requirements established in this chapter. The product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

- (a) Product manuals;
- (b) Design instructions;
- (c) Installation instructions;
- (d) Operation and maintenance;
- (e) Homeowner instructions; and
- (f) A list of representatives and manufacturer certified service providers, if any.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0120, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0125 Transition from the list of approved systems and products to the registered list—Treatment products. (1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Treatment products not on the department's list of approved systems and products on September 15, 2005, and not otherwise eligible for inclusion on the list by submittal of a completed application prior to September 15, 2005, must be registered with the department according to the requirements of this chapter before being permitted by the local health officer.

(3) Between September 15, 2005, and March 15, 2007, the local health officer may permit treatment products that are on the department's list of approved systems and products or registered with the department under the requirements of this chapter.

(4) After March 15, 2007, local health officers may only permit those treatment products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with treatment product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on September 15, 2005, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration before March 15, 2007, using the following information:

(a) For treatment products approved for use with sewage typical of a residential source:

(i) If product approval was based on performance test results obtained from testing conducted according to a

ANSI/NSF Standard 40 protocol dated prior to July 1996, the manufacturer may apply for registration as established by these rules using the performance test results obtained by a qualified testing facility from testing conducted according to a ANSI/NSF Standard 40 test protocol dated prior to July 1996;

(ii) In order to be registered, manufacturers must identify on their application for product registration if the reported product testing results use an excursion allowance. If an excursion allowance is used, only the excursion allowance provided in 1996 and later NSF protocols may be used;

(iii) Thirty-day averaging of sample results must meet the requirements established in 1996 and later NSF protocols;

(iv) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(b) For products approved for use with high-strength residential or commercial sewage:

(i) Manufacturers may apply for product registration using the performance test results and other information previously provided to the department in support of product approval application.

(ii) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(c) Test results for BOD₅ may be submitted in lieu of test results for CBOD₅. In these cases the numerical values for CBOD₅ will be determined using the following formula: (BOD₅ value x .83 = CBOD₅ value);

(d) In order to be registered for treatment levels A, B or C, a manufacturer shall provide data demonstrating that each of the parameters (CBOD₅, TSS and fecal coliform) is met;

(e) Fecal coliform reduction performance must be demonstrated according to the provisions and requirements established in WAC 246-272A-0130 Bacteriological reduction; and

(f) Manufacturers and treatment products must meet all other requirements established in these rules for product registration.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0125, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0130 Bacteriological reduction. This section establishes the requirements for registering bacteriological reduction processes.

(1) Manufacturers shall, for the purpose of product registration as described in WAC 246-272A-0110 and 246-272A-0120 for meeting treatment levels A, B, or C, verify bacteriological reduction performance by sampling for fecal coliform.

(a) For products not yet tested according to ANSI/NSF Standard 40 testing protocol dated July 1996 or later, the

requirements of both ANSI/NSF Standard 40 and the protocol specified in subsection (2) of this section for verifying bacteriological reduction must be met.

(b) For products that have been tested according to ANSI/NSF Standard 40 dated July 1996 or later but have not yet been tested for bacteriological reduction, treatment performance of the treatment product or sequence may be established based on test results for CBOD₅ and TSS obtained from the previous ANSI/NSF Standard 40 testing and bacteriological reduction performance based on testing according to the protocol in subsection (2) of this section. Provided that the testing entity must verify the influent wastewater stream throughout the bacteriological testing period meets the influent threshold levels for CBOD₅ and TSS required by ANSI/NSF Standard 40 testing protocol.

(2) All test data submitted for product registration shall be produced by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to on-site wastewater treatment products. Bacteriological reduction performance must be determined while the treatment product or sequence is tested according to the ANSI/NSF Standard 40 testing protocol. During this testing the following requirements apply:

(a) Collect samples from both the influent and effluent streams, identifying the treatment performance achieved by the full treatment process (component or sequence);

(b) Obtain influent characteristics falling within a range of 10^6 - 10^8 fecal coliform/100 mL calculated as thirty-day geometric means during the test.

(c) Test the influent to any disinfection unit and report the following at each occasion of sampling performed in (d) of this subsection:

- (i) Flow rate;
- (ii) pH;
- (iii) Temperature;
- (iv) Turbidity; and
- (v) Color.

(d) Obtain samples for fecal coliform analysis during both the design loading and stress loading periods identified by NSF Standard 40. Grab samples shall be collected from both the influent and effluent on three separate days of the week. Each set of influent and effluent grab samples must be taken from a different dosing time frame (morning, afternoon, or evening) so that samples have been taken from each dosing time frame by the end of the week.

(e) Conduct analyses according to standard methods;

(f) Report the geometric mean of fecal coliform test results from all samples taken within thirty-day or monthly calendar periods;

(g) Report the individual results of all samples taken throughout the test period design and stress loading; and

(h) Report all maintenance and servicing conducted during the testing period, including for example, instances of cleaning a UV lamp, or replenishment of chlorine chemicals.

(3) Manufacturers may register products in treatment levels A and B using disinfection.

(4) Manufacturers may not register products for treatment level C using disinfection.

[Statutory Authority: RCW 43.20.050, 06-01-020, § 246-272A-0130, filed 12/12/05, effective 1/12/06; 05-15-119, § 246-272A-0130, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0135 Transition from the list of approved systems and products to the registered list—Bacteriological reduction. This section on how bacteriological reduction products on the list of approved systems and products can become registered.

(1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Systems on the department's list of approved systems and products meeting the BOD₅ (or CBOD₅) and TSS requirements for treatment standards 1 and 2 may continue to be combined with disinfection equipment and methods specified by the on-site sewage system designer to meet or exceed the fecal coliform reduction performance required by treatment standards 1 and 2, until March 15, 2007.

(3) After March 15, 2007, the local health officer may permit only those treatment products registered as meeting bacteriological reduction portions of treatment level A, B, or C under the requirements of this chapter.

(4) Products that have been tested for bacteriological reduction and have met all the requirements of WAC 246-272A-0130, except the bacteriological influent and/or sampling frequency requirements, may be registered under this chapter to allow continued use of the product after March 15, 2007. In order to register their product, the manufacturer shall:

(a) Assure their product is on the department's list of approved systems and products that have been approved as meeting a bacteriological reduction standard on September 15, 2005, or subsequently added to the list as provided in subsection (1)(a) of this section;

(b) Apply for product registration before March 15, 2007; and

(c) Have their product tested for two additional months of testing using the testing protocol specified in WAC 246-272A-0130(2) to verify the bacteriological reduction performance.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0135, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0140 Proprietary distribution products—Certification and registration. (1) Manufacturers shall register proprietary distribution products, including gravelless distribution products and subsurface dripline products, with the department before the local health officer may permit their use.

(2) Manufacturers desiring to sell proprietary distribution products shall certify that the product(s) meets the standards established in this chapter and register their product(s) with the department using the process described in WAC 246-272A-0145.

(3) Proprietary gravelless distribution products shall:

(a) Be constructed or manufactured from materials that are nondecaying and nondeteriorating and do not leach chemicals when exposed to sewage and the subsurface soil environment;

(b) Provide liquid storage volume at least equal to the storage volume provided within the thirty percent void space in a twelve-inch layer of drainrock in a drainrock-filled distribution system. This storage volume must be established by the gravelless distribution products, system design and installation and must be maintained for the life of the system. This requirement may be met on a lineal-foot, or on an overall system design basis;

(c) Provide suitable effluent distribution to the infiltrative surface at the soil interface; and

(d) Maintain the integrity of the trench or bed. The material used, by its nature and its manufacturer-prescribed installation procedure, must withstand the physical forces of the soil sidewalls, soil backfill and the weight of equipment used in the backfilling.

(4) Proprietary subsurface dripline products shall:

(a) Be warranted by the manufacturer for use with sewage and for resistance to root intrusion.

(b) Incorporate emitters with a maximum nominal rated discharge of 1.3 gallons per hour. Emitter discharge rate may be controlled either by use of pressure-compensating emitters or with a pressure regulator.

(c) Be color-coded purple to identify that the pipe contains nonpotable water from a sewage source.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0140, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0145 Proprietary distribution product registration—Process and requirements. (1) Manufacturers shall register their proprietary distribution product(s) with the department by submitting a complete application in the format provided by the department, including:

(a) Manufacturer's name, mailing address, street address, and phone number;

(b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to act as the agent of the manufacturer in this capacity;

(c) Name, including specific brand and model, of the proprietary distribution product;

(d) A description of the function of the proprietary distribution product along with any known limitations on its use;

(e) Product description and technical information, including schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;

(f) Siting and installation requirements;

(g) Detailed description, procedure and schedule of routine service and system maintenance events;

(h) Identification of information subject to protection from disclosure of trade secrets;

(i) Copies of product brochures and manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions*;

(j) For gravelless chamber systems a quantitative description of the actual exposed trench-bottom infiltrative surface area for each model seeking registration;

(k) A statement from a professional engineer that certifies the technology meets the standards established in WAC 246-272A-0140;

(l) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for product registration. I attest, under penalty of law, that this document and all attachments, are true, accurate, and complete."

(m) A signed and dated certification from the licensed professional engineer including the statement, "I certify that I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME), that I am authorized to certify the performance characteristics for the proprietary distribution product presented in this application. I attest, under penalty of law, that the technology report is true, accurate, and complete."

(n) The fee established in WAC 246-272A-0990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary distribution products.

(4) All registrations are valid for up to one year, expiring on December 31st of each year. Required fees are not prorated.

(5) In order to renew a proprietary distribution product registration, a manufacturer must:

(a) Apply for renewal of product registration using the form or in the format provided by the department;

(b) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements of initial registration; and

(c) Submit the fee established in WAC 246-272A-0990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary distribution products meeting the registration requirements

established in this chapter. Product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

- (a) Product manuals;
- (b) Design instructions;
- (c) Installation instructions;
- (d) Operation and maintenance;
- (e) Homeowner instructions; and
- (f) A list of representatives and manufacturer certified service providers, if any.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0145, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0150 Transition from the list of approved systems and products to the registered list—Distribution products. (1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Distribution products not on the department's list of approved systems and products on September 15, 2005, and not otherwise eligible for inclusion on the list by submittal of a completed application prior to September 15, 2005, must be registered with the department under this chapter before being permitted by the local health officer.

(3) Between September 15, 2005, and March 15, 2007, the local health officer may permit distribution products that are on the department's list of approved systems and products or registered by the department under the requirements of this chapter.

(4) After March 15, 2007, local health officers may only permit those distribution products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with distribution product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on September 15, 2005, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration before March 15, 2007, using the following information:

(a) Manufacturers may apply for registration using the information previously provided to the department in support of product approval application, without further professional engineer certification.

(b) If product approval was based upon the performance information obtained through the department's former experimental systems program, the manufacturer may apply for registration as established by these rules using the performance test results obtained from their experimental system program, without further professional engineer certification. This provision is valid for only those models on the approved list of systems and products.

(c) Manufacturers and distribution products shall meet all other requirements established in these rules for product registration.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0150, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0170 Product development permits.

(1) A local health officer may issue a product development permit (PDP) for any proprietary treatment component or sequence. In order to protect public health during the development period, a complete system meeting the requirements of this chapter and the site must be installed. The product under development may then be added to the treatment system allowing the product developer to gather data about the product's performance in the field. The PDP allows product developers to explore and develop new technologies prior to product testing and registration under WAC 246-272A-0110 and 246-272A-0120. The PDP is not an alternative to testing and registration.

(2) An application for a PDP shall include all of the following:

(a) Proof of an existing conforming system in compliance with all local requirements, or a permit for a conforming system. The conforming system must be installed in its entirety before the PDP becomes valid;

(b) A description of the product under development including performance goals and a description of how the system will be used to treat sewage;

(c) Documentation of financial assurance that will cover the correction of any potential public health threats or environmental damage resulting from the use of the product under development. Instruments of financial assurance include:

(i) An irrevocable letter of credit in the amount required by the local health officer issued by an entity authorized to issue letters of credit in Washington state;

(ii) Cash or security deposit payable to the local health jurisdiction in the amount required by the local health officer; or

(iii) Any other financial assurance that satisfies the local health officer.

(d) Documentation signed by the owner of the proposed product development site allowing access to the local health officer for inspection of the site; and

(e) Any other information required by the local health officer.

(3) The local health officer may stipulate additional requirements for a PDP necessary to assure the performance of the conforming system, including providing performance data to the local health officer.

(4) A PDP is a site-specific permit. Product development at multiple sites requires a PDP for each site.

(5) During the term of the PDP, product development, testing and sampling are under the full control of the product developer and all data collected is considered proprietary information.

(6) A PDP is valid for one year and may be renewed by the local health officer.

(7) The product development period is over when the original PDP or any subsequently renewed permits have expired. At this time the product developer:

(a) Shall, at the direction of the local health officer, remove the product under development from the site, reestablishing all appropriate plumbing and power connections for the conforming system.

(b) May subject the product to performance testing described in WAC 246-272A-0110 in order to allow the product to be eligible for registration with the department.

(8) The local health officer may revoke or amend a PDP:

(a) If the continued operation or presence of the product under development:

(i) Presents a risk to the public health or the environment;

(ii) Causes adverse effects on the proper function of the conforming system on the site; or

(iii) Leaks or discharges sewage on the surface of the ground.

(b) If the developer fails to comply with any requirements stipulated on the permit by the local health officer.

(9) The local health officer may charge fees adequate to administer the PDP program.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0170, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0175 Transition from the experimental system program to application for product registration. (1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Persons representing experimental systems not on the department's list of approved systems and products on September 15, 2005, and not otherwise eligible for inclusion on the list by submittal of a completed application prior to September 15, 2005, may apply to a local health officer for a product development permit under WAC 246-272A-0170.

(3) Those persons representing experimental systems on the department's list of approved systems and products on September 15, 2005, may continue with the experimental testing according to the experimental testing protocol agreed to by the department until completed. Upon completion of the testing, the person may apply to the department for product registration under WAC 246-272A-0120 or 246-272A-0145. In considering the results of the experimental testing protocol, the department may seek a recommendation from the TAC. The department may determine:

(a) The product meets the requirements for registration and place it on the list of registered proprietary products; or

(b) The product does not meet the requirements for registration. Any further treatment product development and testing may continue under WAC 246-272A-0170, not under the department's previous experimental system program. The requirements of WAC 246-272A-0110, 246-272A-0130, or 246-272A-0140 apply to any further application for product registration.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0175, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0200 Permit requirements. (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the local health officer:

(a) General information including:

(i) Name and address of the property owner and the applicant at the head of each page of submission;

(ii) Parcel number and if available, the address of the site;

(iii) Source of drinking water supply;

(iv) Identification if the property is within the boundaries of a recognized sewer utility;

(v) Size of the parcel;

(vi) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;

(vii) Source of sewage, for example, residence, restaurant, or other type of business;

(viii) Location of utilities;

(ix) Name of the site evaluator;

(x) Name, signature and stamp of the designer;

(xi) Date of application; and

(xii) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.

(b) The soil and site evaluation as specified under WAC 246-272A-0220.

(c) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:

(i) Designated areas for the proposed initial system and the reserve area;

(ii) The location of all soil logs and other soil tests for the OSS;

(iii) General topography and/or slope;

(iv) Drainage characteristics;

(v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and

(vi) An arrow indicating north.

(d) A detailed system design meeting the requirements under WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238 including:

(i) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;

(ii) Vertical cross-section drawings showing:

(A) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and

(B) Other new OSS components constructed at the site.

(iii) Calculations and assumptions supporting the proposed design, including:

(A) System operating capacity and design flow;

(B) Soil type; and

(C) Hydraulic loading rate in the soil dispersal component; and

(e) Any additional information as deemed necessary by the local health officer.

(2) A permit is not required for replacement, addition, or modification of broken or malfunctioning building sewers, risers and lids, sewage tank lids, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks, and OSS inspection boxes and ports where a sewage tank, treatment component, or soil dispersal component does not need to be replaced. The local health officer may require the owner to submit information regarding these activities for recordkeeping purposes.

(3) The local health officer may develop the information required in subsection (1) of this section if authorized by local regulations.

(4) The local health officer shall:

(a) Respond to an application within thirty days as required in RCW 70.05.074.

(b) Permit only public domain technologies that have departmental RS&G. Permit only proprietary products that are registered by the department. During the period of transition from the list of approved systems and products to the registered list, the local health officer may permit products on the list of approved systems and products.

(c) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;

(d) Identify the permit as a new installation, repair, expansion, modification, or operational permit;

(e) Specify the expiration date on the permit. The expiration date may not exceed five years from the date of permit issuance;

(f) Include a reminder on the permit application of the applicant's right of appeal; and

(g) If requiring an operational permit, state the period of validity and the date and conditions of renewal.

(5) The local health officer may revoke or deny a permit for just cause. Examples include, but are not limited to:

(a) Construction or continued use of an OSS that threatens the public health;

(b) Misrepresentation or concealment of material fact in information submitted to the local health officer; or

(c) Failure to meet conditions of the permit, this chapter or any local regulations.

(6) Before the local health officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:

(a) An approved public entity owning or managing the OSS in perpetuity; or

(b) A management arrangement acceptable to the local health officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:

(i) A recorded easement allowing access for construction, operation, monitoring maintenance, and repair of the OSS; and

(ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

(7) The local health officer shall not delegate the authority to issue permits.

(8) The local health officer may stipulate additional requirements for a particular permit if necessary for public health protection.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0200, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0210 Location. (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table IV, Minimum Horizontal Separations:

Table IV
Minimum Horizontal Separations

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring measured from the ordinary high-water mark	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source measured from the ordinary high-water mark ¹	100 ft.	50 ft.	50 ft.
Pressurized water supply line	10 ft.	10 ft.	10 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/in-ground swimming pool	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A
Interceptor/curtain drains/foundation drains/drainage ditches			
Down-gradient ² :	30 ft.	5 ft.	N/A

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Up-gradient ² :	10 ft.	N/A	N/A
Other site features that may allow effluent to surface			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A
Other adjacent soil dispersal components/subsurface storm water infiltration systems	10 ft.	N/A	N/A

¹If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.

²The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) If any condition indicates a greater potential for contamination or pollution, the local health officer may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, in-ground swimming pool, or building foundation is up-gradient.

(4) The horizontal separation between an OSS dispersal component and an individual water well, individual spring, or surface water that is not a public water source can be reduced to a minimum of seventy-five feet, by the local health officer, and be described as a conforming system upon signed approval by the health officer if the applicant demonstrates:

(a) Adequate protective site-specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and/or aquatards separating potable water from the OSS treatment zone, excessive depth to ground water, down-gradient contaminant source, or outside the zone of influence; or

(b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in WAC 246-272A-0230 Table VI; or

(c) Evidence of protective conditions involving both (a) and (b) of this subsection.

(5) Persons shall design and/or install a soil dispersal component only if:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the OSS.

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

(6) The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section C1-9 of the department of ecology's "*Criteria For Sewage Works Design*," December 1998.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0210, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0220 Soil and site evaluation. (1)

Only professional engineers, designers, or local health officers may perform soil and site evaluations. Soil scientists may only perform soil evaluations.

(2) The person evaluating the soil and site shall:

(a) Report:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial soil dispersal component; and

(B) The reserve area.

(ii) The ground water conditions, the date of the observation, and the probable maximum height;

(iii) The topography of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting the design;

(iv) The drainage characteristics of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting the design;

(v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;

(vi) The existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015; and

(vii) The location of existing features affecting system placement, such as, but not limited to:

- (A) Wells and suction lines;
- (B) Water sources and supply lines;
- (C) Surface water and stormwater infiltration areas;
- (D) Abandoned wells;
- (E) Outcrops of bedrock and restrictive layers;
- (F) Buildings;
- (G) Property lines and lines of easement;
- (H) Interceptors such as footing drains, curtain drains, and drainage ditches;
- (I) Cuts, banks, and fills;
- (J) Driveways and parking areas;
- (K) Existing OSS; and
- (L) Underground utilities;

(b) Use the soil and site evaluation procedures and terminology in accordance with Chapter 5 of the *On-site Wastewater Treatment Systems Manual*, EPA 625/R-00/008, February 2002 except where modified by, or in conflict with, this chapter (available upon request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table V, Soil Type Descriptions:

TABLE V
Soil Type Descriptions

Soil Type	Soil Textural Classifications
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.
2	Coarse sands.
3	Medium sands, loamy coarse sands, loamy medium sands.
4	Fine sands, loamy fine sands, sandy loams, loams.
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure).
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
7 Unsuitable for treatment or dispersal	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated infiltrative surface at the bottom of the soil dispersal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered;

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to prevent injury as required by chapter 296-155 WAC.

(4) The local health officer:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for OSS serving a single-family residence if adequate soils information has previously been developed.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0220, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0230 Design requirements—General. (1) On-site sewage systems may only be designed by professional engineers, licensed under chapter 18.43 RCW or on-site sewage treatment system designers, licensed under chapter 18.210 RCW, except:

(a) If at the discretion of the local health officer, a resident owner of a single-family residence not adjacent to a marine shoreline is allowed to design a system for that residence; or

(b) If the local health officer performs the soil and site evaluation, the health officer is allowed to design a system.

(2) The designer shall use the following criteria when developing a design for an OSS:

(a) All sewage from the building served is directed to the OSS;

(b) Sewage tanks have been reviewed and approved by the department;

(c) Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other nonsewage drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area;

(d) The OSS is designed to treat and disperse the sewage volume as follows:

(i) For single-family residences:

(A) The operating capacity is based on 45 gpd per capita with two people per bedroom.

(B) The minimum design flow per bedroom per day is the operating capacity of ninety gallons multiplied by 1.33.

This results in a minimum design flow of one hundred twenty gallons per bedroom per day.

(C) A factor greater than 0.33 to account for surge capacity may be required by the local health officer.

(D) The local health officer may require an increase of the design flow for dwellings with anticipated greater flows, such as larger dwellings.

(E) The minimum design flow is two hundred forty gallons per day.

(ii) For other facilities, the design flows noted in "On-site Wastewater Treatment Systems Manual," USEPA, EPA-625/R-00/008, February 2002 (available upon request to the department) shall be used. Sewage flows from other sources of information may be used in determining system design flows if they incorporate both an operating capacity and a surge capacity.

(e) The OSS is designed to address sewage quality as follows:

(i) For all systems, the designer shall consider:

(A) CBOD₅, TSS, and O&G;

(B) Other parameters that can adversely affect treatment anywhere along the treatment sequence. Examples include pH, temperature and dissolved oxygen;

(C) The sensitivity of the site where the OSS will be installed. Examples include areas where fecal coliform constituents can result in public health concerns, such as shellfish growing areas, designated swimming areas, and other areas identified by the local management plan required in WAC 246-272A-0015.

(D) Nitrogen contributions. Where nitrogen has been identified as a contaminant of concern by the local management plan required in WAC 246-272A-0015, it shall be addressed through lot size and/or treatment.

(ii) For OSS treating sewage from a nonresidential source, the designer shall provide the following information:

(A) Information to show the sewage is not industrial wastewater;

(B) Information regarding the sewage quality and identifying chemicals found in the sewage that are not found in sewage from a residential source; and

(C) A site-specific design providing the treatment level equal to that required of sewage from a residential source;

(f) The vertical separation to be used to establish the treatment levels and application rates. The selected vertical separation shall be used consistently throughout the design process.

(g) Treatment levels:

(i) Requirements for matching treatment component and method of distribution with soil conditions of the soil dispersal component are listed in Table VI. The treatment levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110. The method of distribution applies to the soil dispersal component.

(ii) Disinfection may not be used to achieve the fecal coliform requirements to meet:

(A) Treatment levels A or B in Type 1 soils; or

(B) Treatment level C.

TABLE VI
Treatment Component Performance Levels and Method of Distribution¹

Vertical Separation in inches	Soil Type		
	1	2	3-6
12 < 18	A - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥18 < 24	B - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥24 < 36	B - pressure with timed dosing	C - pressure	E - pressure
≥36 < 60	B - pressure with timed dosing	E - pressure	E - gravity
≥60	C - pressure	E - gravity	E - gravity

¹The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

(3) The coarsest textured soil within the vertical separation selected by the designer shall determine the minimum treatment level and method of distribution.

(4) The local health officer shall not approve designs for:

(a) Cesspools; or

(b) Seepage pits.

(5) The local health officer may approve a design for the reserve area different from the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0230, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0232 Design requirements—Septic tank sizing. Septic tanks shall:

(1) Have at least two compartments with the first compartment liquid volume equal to one-half to two-thirds of the total liquid volume. This standard may be met by one tank with two compartments or by two single compartment tanks in series.

(2) Have the following minimum liquid volumes:

(a) For a single family residence use Table VII, Required Minimum Liquid Volumes of Septic Tanks:

TABLE VII
Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤3	900
4	1000
Each additional bedroom	250

(b) For OSS treating sewage from a residential source, other than one single-family residence, two hundred fifty gallons per bedroom with a minimum of one thousand gallons;

(c) For OSS treating sewage from a nonresidential source, three times the design flow.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0232, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0234 Design requirements—Soil dispersal components. (1) All soil dispersal components, except one using a subsurface dripline product, shall be designed to meet the following requirements:

(a) Maximum hydraulic loading rates shall be based on the rates described in Table VIII;

TABLE VIII
Maximum Hydraulic Loading Rate

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 & 6, all soil types with greater than or equal to 90% rock fragments.	1.0
2	Coarse sands.	1.0
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2
7	Sandy clay, clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable

(b) Calculation of the absorption area is based on:

(i) The design flow in WAC 246-272A-0230(2); and

(ii) Loading rates equal to or less than those in Table VIII applied to the infiltrative surface of the soil dispersal component or the finest textured soil within the vertical separation selected by the designer, whichever has the finest texture.

(c) Requirements for the method of distribution shall correspond to those in Table VI.

(d) Soil dispersal components having daily design flow between one thousand and three thousand five hundred gallons of sewage per day shall:

(i) Only be located in soil types 1-5;

(ii) Only be located on slopes of less than thirty percent, or seventeen degrees; and

(iii) Have pressure distribution including time dosing.

(2) All soil dispersal components using a subsurface dripline product must be designed to meet the following requirements:

(a) Calculation of the absorption area is based on:

(i) The design flow in WAC 246-272A-0230(2);

(ii) Loading rates that are dependent on the soil type, other soil and site characteristics, and the spacing of dripline and emitters;

(b) The dripline must be installed a minimum of six inches into original, undisturbed soil;

(c) Timed dosing; and

(d) Soil dispersal components having daily design flows greater than one thousand gallons of sewage per day may:

(i) Only be located in soil types 1-5;

(ii) Only be located on slopes of less than thirty percent, or seventeen degrees.

(3) All SSAS shall meet the following requirements:

(a) The infiltrative surface may not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;

(b) A minimum of six inches of sidewall must be located in original undisturbed soil;

(c) Beds are only designed in soil types 1, 2, 3 or in fine sands with a width not exceeding ten feet;

(d) Individual laterals greater than one hundred feet in length must use pressure distribution;

(e) A layer of between six and twenty-four inches of cover material; and

(f) Other features shall conform with the "On-site Wastewater Treatment Systems Manual," United States Environmental Protection Agency EPA-625/R-00/008 February 2002 (available upon request to the department) except where modified by, or in conflict with this section or local regulations.

(4) For SSAS with drainrock and distribution pipe:

(a) A minimum of two inches of drainrock is required above the distribution pipe;

(b) The sidewall below the invert of the distribution pipe is located in original undisturbed soil.

(5) The local health officer may allow the infiltrative surface area in a SSAS to include six inches of the SSAS sidewall height when meeting the required absorption area where total recharge by annual precipitation and irrigation is less than twelve inches per year.

(6) The local health officer may permit systems consisting solely of a septic tank and a gravity SSAS in soil type 1 if all the following criteria are met:

(a) The system serves a single-family residence;
 (b) The lot size is greater than two and one-half acres;
 (c) Annual precipitation in the region is less than twenty-five inches per year as described by "*Washington Climate*" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);

(d) The system is located outside the twelve counties bordering Puget Sound; and

(e) The geologic conditions beneath the dispersal component must satisfy the minimum unsaturated depth requirements to ground water as determined by the local health officer. The method for determination is described by "*Design Guideline for Gravity Systems in Soil Type I*" (available upon request to the department).

(7) The local health officer may increase the loading rate in Table VIII up to a factor of two for soil types 1-4 and up to a factor of 1.5 for soil types 5 and 6 if a product tested to meet treatment level D is used. This reduction may not be combined with any other SSAS size reductions.

(8)(a) The primary and reserve areas must be sized to at least one hundred percent of the loading rates listed in Table VIII.

(b) However, the local health officer may allow a legal lot of record created prior to the effective date of this chapter that cannot meet this primary and reserve area requirement to be developed if all the following conditions are met:

(i) The lot cannot meet the minimum primary and reserve area requirements due to the loading rates for medium sand, fine sand and very fine sand listed in Table VIII of this chapter;

(ii) The primary and reserve areas are sufficient to allow installation of a SSAS using maximum loading rates of 1.0 gallons/square foot per day for medium sand, 0.8 gallons/square foot/day for fine sand, and 0.6 gallons/square foot/day for very fine sand; and

(iii) A treatment product meeting at least Treatment Level D and pressure distribution with timed-dosing is used.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0234, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0238 Design requirements—Facilitate operation, monitoring and maintenance. (1) The OSS must be designed to facilitate operation, monitoring and maintenance according to the following criteria:

(a) For gravity systems, septic tank access for maintenance and inspection at finished grade is required. If effluent filters are used, access to the filter at finished grade is required. The local health officer may allow access for maintenance and inspection of a system consisting of a septic tank and gravity flow SSAS to be a maximum of six inches below finished grade provided a marker showing the location of the tank access is installed at finished grade.

(b) For all other systems, service access and monitoring ports at finished grade are required for all system components. Specific component requirements include:

(i) Septic tanks must have service access manholes and monitoring ports for the inlet and outlet. If effluent filters are used, access to the filter at finished grade is required;

(ii) Surge, flow equalization or other sewage tanks must have service access manholes;

(iii) Other pretreatment units (such as aerobic treatment units and packed-bed filters) must have service access manholes and monitoring ports;

(iv) Pump chambers, tanks and vaults must have service access manholes;

(v) Disinfection units must have service access and be installed to facilitate complete maintenance and cleaning; and

(vi) Soil dispersal components shall have monitoring ports for both distribution devices and the infiltrative surface.

(c) For systems using pumps, clearly accessible controls and warning devices are required including:

(i) Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;

(ii) Diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on either the water supply or sewage stream; and

(iii) Audible and visual alarms designed to alert a resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.

(2) All accesses must be designed to allow for monitoring and maintenance and shall be secured to minimize injury or unauthorized access in a manner approved by the local health officer.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0238, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0240 Holding tank sewage systems.

(1) A person may not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The local health officer may approve installation of holding tank sewage systems only:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;

(b) For interim uses limited to handling of emergency situations; or

(c) For repairs as permitted under WAC 246-272A-0280 (1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow design criteria established by the department;

(b) Submit a management program to the local health officer assuring ongoing operation, monitoring and maintenance before the local health officer issues the installation permit; and

(c) Use a holding tank reviewed and approved by the department.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0240, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0250 Installation. (1) Only installers may construct OSS, except as noted under subsection (2) of this section.

(2) The local health officer may allow the resident owner of a single-family residence not adjacent to a marine shoreline to install the OSS for that single-family residence.

(3) The installer described by either subsection (1) or (2) of this section shall:

- (a) Follow the approved design;
- (b) Have the approved design in possession during installation;
- (c) Make no changes to the approved design without the prior authorization of the designer and the local health officer;
- (d) Only install septic tanks, pump chambers, and holding tanks approved by the department;
- (e) Be on the site at all times during the excavation and construction of the OSS;
- (f) Install the OSS to be watertight, except for the soil dispersal component;
- (g) Cover the installation only after the local health officer has given approval to cover; and
- (h) Back fill with six to twenty-four inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0250, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0260 Inspection. (1) For all activities requiring a permit, the local health officer shall:

- (a) Visit the OSS site during the site evaluation, construction, or final construction inspection;
- (b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if the designer is not also named as installer of the system.
- (c) Keep the record drawings on file, with the approved design documents.

(2) The person responsible for the final construction inspection shall assure the OSS meets the approved design.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0260, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0265 Record drawings. Upon completion of the new construction, alteration or repair of the OSS, a complete and detailed record drawing shall be submitted to both the health officer and the OSS owner that includes at a minimum the following:

(1) Measurements and directions accurate to +/- 1/2 foot, unless otherwise determined by the local health officer, to assure the following parts of the OSS can be easily located:

- (a) All sewage tank openings requiring access;
- (b) The ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS; and

(c) Any other OSS component which, in the judgment of the health officer or the designer, must be accessed for observation, maintenance, or operation;

(2) Location and dimensions of reserve area;

(3) Record that materials and equipment meet the specifications contained in the design;

(4) Initial settings of electrical or mechanical devices that must be known to operate the system in the manner intended by the designer or installer; and

(5) For proprietary products, manufacturer's standard product literature, including performance specifications and maintenance recommendations needed for operation, monitoring, maintenance or repair of the OSS.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0265, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0270 Operation, monitoring, and maintenance—Owner responsibilities. (1) The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:

(a) Obtain approval from the local health officer before repairing, altering or expanding an OSS;

(b) Secure and renew contracts for periodic maintenance where required by the local health jurisdiction;

(c) Obtain and renew operation permits if required by the local health jurisdiction;

(d) Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:

(i) At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;

(ii) Annually for all other systems unless more frequent inspections are specified by the local health officer;

(e) Employ an approved pumpster to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(f) Provide maintenance and needed repairs to promptly return the system to a proper operating condition;

(g) Protect the OSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(h) Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;

(i) Operate and maintain systems as directed by the local health officer;

(j) Request assistance from the local health officer upon occurrence of a system failure or suspected system failure; and

(k) At the time of property transfer, provide to the buyer, maintenance records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; or

(c) Use an OSS to dispose of waste components atypical of sewage from a residential source.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0270, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0275 Operation, monitoring, and maintenance—Food service establishments. The local health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0275, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0280 Repair of failures. (1) When an OSS failure occurs, the OSS owner shall:

(a) Repair or replace the OSS with a conforming system or component, or a system meeting the requirements of Table IX either on the:

(i) Property served; or
(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned LOSS;
(ii) Privately owned LOSS where it is deemed economically feasible; or
(iii) Public sewer; or

(c) Perform one of the following when requirements in (a) and (b) of this subsection are not feasible:

(i) Use a holding tank; or
(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:

(A) An OSS is not feasible; and

(B) The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under WAC 246-272A-0200(1).

(3) The local health officer shall permit a system that meets the requirements of Table IX only if the following are not feasible:

(a) Installation of a conforming system or component; and

(b) Connection to either an approved LOSS or a public sewer.

(4) The person responsible for the design shall locate and design repairs to:

(a) Meet the requirements of Table IX if the effluent treatment and soil dispersal component to be repaired or replaced is closer to any surface water, well, or spring than prescribed by the minimum separation required in Table IV of WAC 246-272A-0210(1). Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming system is not feasible.

TABLE IX
Treatment Component Performance Levels for Repair of OSS Not Meeting
Vertical and Horizontal Separations¹

Vertical Separation (in inches)	Horizontal Separation ²											
	< 25 feet			25 < 50 feet			50 < 100 feet ³			≥100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A	A	A	A	A	A	A	A	B	B	B	B
≥ 12 < 18	A	A	A	A	B	B	A	B	B	Conforming Systems		
≥ 18 < 24	A	A	A	A	B	B	A	B	C			
≥ 24 < 36	A	B	B	B	C	C	B	C	C			
≥ 36	A	B	B	B	C	C	B	C	E			

¹The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110.

²The horizontal separation indicated in Table IX is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

³On a site where there is a horizontal setback of 75 - 100 feet between an OSS dispersal component and an individual water well, individual spring, non-marine surface water or surface water that is not a public water source and a vertical separation of greater than twelve inches, a conforming system that complies with WAC 246-272A-0210(4) shall be installed if feasible.

(b) Protect drinking water sources and shellfish harvesting areas;

(c) Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;

(d) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(e) Meet the horizontal separations under WAC 246-272A-0210(1) to public drinking water sources;

(f) Meet other requirements of this chapter to the maximum extent permitted by the site; and

(g) Maximize the:

(i) Vertical separation;
(ii) Distance from a well, spring, or suction line; and
(iii) Distance to surface water.

(5) Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.

(6) If the vertical separation is less than twelve inches, the local health officer may permit ASTM C-33 sand or coarser to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

(7) For a repair using the requirements of Table IX, disinfection may not be used to achieve the fecal coliform requirements to meet:

(a) Treatment levels A or B where there is less than eighteen inches of vertical separation;

(b) Treatment levels A or B in type 1 soils; or

(c) Treatment level C.

(8) The local health officer shall identify repair permits meeting the requirements of Table IX for the purpose of tracking future performance.

(9) An OSS owner receiving a repair permit for a system meeting the requirements of Table IX from the local health officer shall:

(a) Immediately report any failure to the local health officer;

(b) Comply with all local and state requirements stipulated on the permit.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0280, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0290 Expansions. (1) The local health officer shall require an OSS and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

(2) A local health officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high-water mark required by WAC 246-272A-0210, Table IV, provided that:

(a) The system meets all requirements of WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238;

(b) The system complies with all other requirements of WAC 246-272A-0210 and this section;

(c) Horizontal separation between the soil dispersal component and the ordinary high-water mark is fifty feet or greater; and

(d) Vertical separation is two feet or greater.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0290, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0300 Abandonment. Persons permanently abandoning a septic tank, seepage pit, cesspool, or other sewage container shall:

(1) Have the septage removed by an approved pumper;

(2) Remove or destroy the lid; and

(3) Fill the void with soil or gravel.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0300, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0310 Septage management. (1) The local health officer shall approve an individual before they may remove septage from an OSS.

(2) Persons removing septage from an OSS shall:

(a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;

(b) Record and report septage removal as required by the local health officer; and

(c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0310, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. (1) A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the local health officer as required by RCW 58.17.150.

(2) The local health officer shall require the following prior to approving any development:

(a) Site evaluations as required under WAC 246-272A-0220, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

METHOD I. Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage. However, the local health officer may require larger lot sizes where the local health officer has identified nitrogen as a concern either through planning activities described in WAC 246-272A-0015 or another process.

TABLE X
Minimum Land Area Requirement
Single-Family Residence or Unit Volume of Sewage

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ¹					

¹See WAC 246-272A-0234(6).

METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

(i) Justifies the proposal through a written analysis of the:

- (A) Soil type and depth;
- (B) Area drainage, and/or lot drainage;
- (C) Public health impact on ground and surface water quality;
- (D) Setbacks from property lines, water supplies, etc.;
- (E) Source of domestic water;
- (F) Topography, geology, and ground cover;
- (G) Climatic conditions;
- (H) Availability of public sewers;
- (I) Activity or land use, present, and anticipated;
- (J) Growth patterns;
- (K) Reserve areas for additional subsurface treatment and dispersal;
- (L) Anticipated sewage volume;
- (M) Compliance with current planning and zoning requirements;
- (N) Types of proposed systems or designs, including the use of systems designed for removal of nitrogen;
- (O) Existing encumbrances, such as those listed in WAC 246-272A-0200 (1)(c)(v) and 246-272A-0220 (2)(a)(vii); and

(P) Estimated nitrogen loading from OSS effluent to existing ground and surface water;

(Q) Any other information required by the local health officer.

(ii) Shows development with public water supplies having:

(A) At least twelve thousand five hundred square feet lot sizes per single-family residence;

(B) No more than 3.5 unit volumes of sewage per day per acre for developments other than single-family residences; and

(iii) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(iv) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

- (i) Install conforming OSS;
- (ii) Assure preservation of reserve areas for proposed and existing OSS;
- (iii) Properly treat and dispose of the sewage; and
- (iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The department shall develop guidelines for the application of Method II by *(insert date one year from the effective date)*.

(4) The local health officer shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

(a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;

(iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(5) The local health officer may:

(a) Allow inclusion of the area to the centerline of a road or street right of way in a Method II determination under subsection (2)(d) of this section to be included in the minimum land area calculation if:

(i) The dedicated road or street right of ways are along the perimeter of the development;

(ii) The road or street right of ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection;

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

(e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed system meets all requirements of these regulations other than minimum land area.

(6) The use of a reduced-sized SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating reduced-sized SSAS must meet the minimum land area requirements established in state and local codes.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0320, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0340 Certification of installers, pumpers, and maintenance service providers. (1) OSS installers and pumpers must obtain approval from the local health officer prior to providing services within a local health jurisdiction.

(2) Local health officer may establish programs and requirements for approving maintenance service providers.

[Statutory Authority: RCW 43.20.050, 05-15-119, § 246-272A-0340, filed 7/18/05, effective 7/1/07.]

WAC 246-272A-0400 Technical advisory committee.

(1) The department shall:

(a) Maintain a technical advisory committee to advise the department regarding:

- (i) OSS design and siting;
- (ii) Public domain technologies and recommended standards and guidance for their use; and
- (iii) Testing and design standards used for proprietary product registration and recommended standards and guidance for use of proprietary products.

(b) Select members for the technical advisory committee with technical or scientific knowledge applicable to OSS from agencies, professions, and organizations including:

- (i) Local health departments;
 - (ii) Engineering firms;
 - (iii) The department of ecology;
 - (iv) Land sales, development and building industries;
 - (v) Public sewer utilities;
 - (vi) On-site sewage system design and installation firms;
 - (vii) Environmental organizations;
 - (viii) University/college academic communities;
 - (ix) On-site sewage system or related product manufacturers; and
 - (x) Other interested organizations or groups.
- (c) Convene meetings as needed.

(2) The department may have a representative on the technical advisory committee.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0400, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0410 Policy advisory committee. (1)

The department shall:

- (a) Maintain a policy advisory committee to:
 - (i) Make recommendations concerning departmental policy and regulations;
 - (ii) Review program services; and
 - (iii) Provide input to the department regarding the on-site sewage program;
- (b) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and
- (c) Convene meetings as needed.

(2) The department may have a representative on the policy advisory committee.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0410, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0420 Waiver of state regulations. (1)

The local health officer may grant a waiver from specific requirements of this chapter if:

- (a) The waiver request is evaluated by the local health officer on an individual, site-by-site basis;
- (b) The local health officer determines that the waiver is consistent with the standards in, and the intent of, these rules;
- (c) The local health officer submits quarterly reports to the department regarding any waivers approved or denied; and
- (d) Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and the intent of these rules, the department shall provide technical assistance to the

local health officer to correct the inconsistency, and may notify the local and state boards of health of the department's concerns. If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the local health officer to grant waivers under this section until such inconsistencies have been corrected.

(2) The department shall develop guidance to assist local health officers in the application of waivers.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0420, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0425 Required rule review. The department shall review this chapter to evaluate the effectiveness of the rules and determine areas where revisions may be necessary. The department will provide the results of their review along with their recommendations to the state board of health and all local health officers by September 2009 and every four years thereafter.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0425, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0430 Enforcement. (1) The department or the local health officer:

- (a) Shall enforce the rules of chapter 246-272A WAC; or
- (b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:

- (a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;
- (b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of chapter 246-272A WAC;
- (c) Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;
- (d) The penalties under chapter 70.05 RCW and RCW 43.70.190; and
- (e) Civil or criminal action.

(3) Orders authorized under this section include the following:

- (a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272A WAC which may include a compliance schedule; and
 - (b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.
- (4) Enforcement orders issued under this section shall:
- (a) Be in writing;
 - (b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272A WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification;

(ii) Referral to the office of the county prosecutor or attorney general; and/or

(iii) Other appropriate remedies.

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272A-0440, a person is defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;

(v) Association members;

(vi) Agents; and

(vii) Third persons acting with the knowledge of such persons.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0430, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0440 Notice of decision—Adjudicative proceeding. (1) All local boards of health shall:

(a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of local regulations; and

(b) Establish rules for conducting hearings requested to contest a local health officer's actions.

(2) The department shall provide notice of the department's denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) A person contesting a departmental decision regarding a permit, certificate, or approval may file a written

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request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(4) Department actions are governed under the Administrative Procedure Act chapter 34.05 RCW, RCW 43.70.115, this chapter, and chapter 246-10 WAC.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0440, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-0450 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-0450, filed 7/18/05, effective 9/15/05.]

WAC 246-272A-990 Fees. *Fees will be set by DOH in a separate rule making. We will ask to recodify this section so that it will be in the new chapter until the new fees can be established.*

[Statutory Authority: RCW 43.20.050. 05-15-119, § 246-272A-990, filed 7/18/05, effective 9/15/05.]

Chapter 246-282 WAC

SANITARY CONTROL OF SHELLFISH

WAC

246-282-005

Minimum performance standards.

246-282-990

Fees.

WAC 246-282-005 Minimum performance standards. (1) Any person engaged in a shellfish operation or possessing a commercial quantity of shellfish or any quantity of shellfish for sale for human consumption must comply with and is subject to:

(a) The requirements of the 2003 National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration (copies available through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of food safety and shellfish programs);

(b) The provisions of 21 Code of Federal Regulations (CFR), Part 123 - Fish and Fishery Products, adopted December 18, 1995, by the United States Food and Drug Administration, regarding Hazard Analysis Critical Control Point (HACCP) plans (copies available through the U.S. Food and Drug Administration, Office of Seafood, and the Washington state department of health, office of food safety and shellfish programs); and

(c) All other provisions of this chapter.

(2) If a requirement of the NSSP Guide for the Control of Molluscan Shellfish or a provision of 21 CFR, Part 123, is inconsistent with a provision otherwise established under this chapter or other state law or rule, then the more stringent provision, as determined by the department, will apply.

[Statutory Authority: RCW 69.30.030. 06-01-055, § 246-282-005, filed 12/16/05, effective 1/16/06. Statutory Authority: RCW 69.30.030 and 43.20.030. 01-04-054, § 246-282-005, filed 2/5/01, effective 3/8/01. Statutory Authority: RCW 69.30.030. 98-18-066, § 246-282-005, filed 8/31/98,

effective 10/1/98; 98-03-096, § 246-282-005, filed 1/21/98, effective 2/21/98; 96-18-096, § 246-282-005, filed 9/4/96, effective 10/5/96; 94-23-026, § 246-282-005, filed 11/8/94, effective 12/9/94.]

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is \$10.30.

(3) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category		
Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	\$173
Harvester	3 or more	\$259
Shellstock Shipper	≤ 2	\$195
0 - 49 acres		
Shellstock Shipper	3 or more	\$292
0 - 49 acres		
Shellstock Shipper	N/A	\$468
50 or greater acres		
Shucker-Packer	≤ 2	\$354
(plants < 2000 ft ²)		
Shucker-Packer	3 or more	\$533
(plants < 2000 ft ²)		
Shucker-Packer	≤ 2	\$429
(plants 2000 - 5000 ft ²)		
Shucker-Packer	3 or more	\$644
(plants 2000 - 5000 ft ²)		
Shucker-Packer	N/A	\$1,189
(plants > 5000 ft ²)		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	\$13,216
Jamestown S'Klallam Tribe	\$3,377

Harvester	Fee
Lower Elwah Klallam Tribe	\$5,139
Lummi Nation	\$0
Nisqually Indian Tribe	\$1,762
Port Gamble S'Klallam Tribe	\$11,306
Puyallup Tribe of Indians	\$4,992
Skokomish Indian Tribe	\$441
Squaxin Island Tribe	\$5,286
Suquamish Tribe	\$8,663
Swinomish Tribe	\$294
Tulalip Tribe	\$1,615
Discovery Bay Shellfish	\$1,175
Seattle Shellfish	\$734
Taylor Shellfish Company, Inc. (Shelton)	\$0
Washington Shell Fish, Inc.	\$0

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

[Statutory Authority: RCW 43.70.250. 05-17-120, § 246-282-990, filed 8/17/05, effective 9/17/05; 04-15-154, § 246-282-990, filed 7/21/04, effective 8/21/04; 03-18-093, § 246-282-990, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 43.70.250 and 34.70.250 [43.70.250]. 03-14-037, § 246-282-990, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250 and the 2002 supplemental operating budget. 02-15-094, § 246-282-990, filed 7/16/02, effective 8/16/02. Statutory Authority: RCW 43.70.250, 70.90.150, and 43.20B.250. 01-14-047, § 246-282-990, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 69.30.030 and 43.20.030. 01-04-054, § 246-282-990, filed 2/5/01, effective 3/8/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-282-990, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-282-990, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.20B.020 and 69.30.030. 98-12-068, § 246-282-990, filed 6/1/98, effective 7/2/98. Statutory Authority: RCW 43.203.020 [43.20B.020]. 97-12-031, § 246-282-990, filed 5/30/97, effective 6/30/97. Statutory Authority: RCW 43.20B.020 and 69.30.030. 96-16-073, § 246-282-990, filed 8/6/96, effective 10/1/96. Statutory Authority: RCW 43.70.040. 93-17-096 (Order 389), § 246-282-990, filed 8/17/93, effective 9/17/93; 91-02-049 (Order 121), recodified as § 246-282-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 85-12-029 (Order 2236), § 440-44-065, filed 5/31/85; 84-13-006 (Order 2109), § 440-44-065, filed 6/7/84; 83-15-021 (Order 1991), § 440-44-065, filed 7/14/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-065, filed 6/4/82.]

Chapter 246-292 WAC

WATER WORKS OPERATOR CERTIFICATION

WAC

246-292-010	Definitions.
246-292-031	Certified operator duties.
246-292-085	Grandparenting.
246-292-090	Renewal of certificates.
246-292-100	Revocation and suspension.
246-292-160	Water works certification fees.

WAC 246-292-010 Definitions. Abbreviations and acronyms:

- BAT - backflow assembly tester;
- BTO - basic treatment operator;
- CCS - cross connection control specialist;
- GW1 - ground water under the direct influence of surface water;
- NTNC - nontransient noncommunity;
- OIT - operator-in-training;
- SMA - satellite management agency;

TNC - transient noncommunity;
 WAC - Washington Administrative Code;
 WDM - water distribution manager;
 WDS - water distribution specialist;
 WTPO - water treatment plant operator;

"Available" means based on system size, complexity, and source water quality, a certified operator must be on-site or able to be contacted as needed to initiate the appropriate action in a timely manner.

"Certificate" means a certificate of competency issued by the department stating that the operator has met the requirements for the specified operator classification of the certification program.

"Certified operator" means a person who has met the applicable requirements of this chapter and holds a valid certificate.

"Complex filtration technology" means conventional, direct, in-line or diatomaceous earth filtration.

"Community water system" means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving twenty-five year-round (i.e., more than one hundred eighty days per year) residents. Examples of a community water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

"Continuing education unit (CEU)" means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction. Forty-five relevant CEUs equals forty-five relevant college quarter credits or thirty relevant college semester credits as determined by the department.

"Contract operator" means a person in charge of the daily operational activities of three or more public water systems.

"Cross connection control program" means the administrative and technical procedures the owner implements to protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

"Department" means the Washington state department of health, through the secretary of health or the secretary's designee.

"Distribution system" means all piping components of a public water system that serves to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.

"Grandparenting" means the exemption for the existing operator in responsible charge from meeting the initial education, experience and examination requirements for the class of certification the system has been assigned.

"Gross negligence" means an act or omission performed or not performed in reckless disregard of a legal duty, or without even slight care. In considering whether an act or omission constitutes gross negligence, the department shall consider all relevant factors including, but not limited to:

(1) The standard of care commonly exercised by operators;

(2) Whether the legal duty was known or should have been known to the alleged violator; and

(3) The degree to which the alleged violation endangered public health.

"Ground water under the direct influence of surface water (GWUDI)" means any water beneath the surface of the ground with:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water condition.

"Group A water system" means a public water system providing service such that it meets the definition of a public water system provided in the 1996 amendments to the federal Safe Drinking Water Act (Public Law 104-182, Section 101, subsection b). Group A water systems are further defined as community and noncommunity water systems (see other definitions).

"Group B water system" means a public water system with less than fifteen residential connections and serving:

An average of less than twenty-five people per day for sixty or more days within a calendar year; or

Any number of people for less than sixty days within a calendar year.

"Nationally recognized association of certification authorities" means an organization that:

- Serves as an information center for certification activities;

- Recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems, wastewater facilities and certification of operators;

- Facilitates reciprocity between state programs; and
- Assists authorities in establishing new and updating existing certification programs.

"Noncommunity water system" means a Group A water system that is not a community water system. Noncommunity water systems are further defined as nontransient noncommunity (NTNC) and transient noncommunity (TNC).

"Nontransient noncommunity water system (NTNC)" means a Group A water system that provides service to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year. Examples of a NTNC water system include a school or day care center, or a business, factory, motel or restaurant with twenty-five or more employees on-site.

"Owner" means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that holds as property, a public water system.

"Operating experience" means the routine on-site performance of duties in a water purification plant or distribution system. Those duties affect plant or system performance and/or water quality.

"Operating shift" means that period of time during which operator decisions are made and actions are taken that will directly impact water quality and/or quantity of drinking water.

"Professional growth reporting period" means a designated time period of not less than three years, in which a certified operator shall demonstrate professional growth.

"Public water system" means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. The term includes:

- Collection, treatment, storage, and/or distribution facilities under control of the owner and used primarily in connection with such systems; and
- Collection or pretreatment storage facilities not under control of the owner, but primarily in connection with such system.

"Purification plant" means that portion of a public water system that treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards. Unit processes installed to perform water filtration, ion exchange, electrodialysis, reverse osmosis, or iron and manganese removal shall be included within the scope of the term purification plant. Unit processes installed to allow in-line fluoridation, in-line chlorination, or chemical addition to inhibit corrosion are not included within the scope of the term purification plant.

"Relevant water system training" means training that:

- (1) Is approved by the department;
- (2) Has an influence on water quality, water supply, or public health protection; and
- (3) Is directly related to the operation, or maintenance of a water system; or
- (4) Is directly related to managing the operation or maintenance of a water system. Examples of acceptable management training include drinking water regulatory compliance, capacity development, rate setting, financial viability, water system security, and responding to drinking water emergencies.

"Responsible charge" means the operator(s) designated by the owner to be the certified operator(s) who makes the decisions regarding the daily operational activities of a public water system, water treatment facility and/or distribution system that will directly impact water quality and/or quantity of drinking water including, but not limited to, decisions concerning process control and system integrity.

"Satellite management agency (SMA)" means a person or entity that is approved by the department to own or operate public water systems on a regional or county-wide basis without the necessity for a physical connection between such systems.

"Service connection" means a connection to a public water system designed to provide water to a single family residence, or other residential or nonresidential population.

"Significant noncomplier" means a system that is violating or has violated department rules, and the violation may create, or has created an imminent or a significant risk to human health. Such violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.

"Transient noncommunity (TNC)" means a Group A water system that serves:

- Twenty-five or more different people each day for sixty or more days within a calendar year; or
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within the calendar year.

"Validated exam" means an exam that is independently reviewed by subject matter experts to ensure that the exam is based on a job analysis and related to the classification of the system or facility.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-010, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-010, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-010, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-020, filed 9/22/78.]

WAC 246-292-031 Certified operator duties. (1) The certified operator shall operate the public water system with due care and diligence for protecting public health and shall abide by applicable state and federal drinking water laws and regulations.

(2) The certified operator shall operate the water system consistent with experience and training appropriate to their level of certification.

(3) The certified operator shall perform his or her duties in accordance with this section. Failure to do so may threaten public health and safety which could result in the suspension or revocation of his or her certification.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-031, filed 3/2/05, effective 4/2/05.]

WAC 246-292-085 Grandparenting. Operators who received a grandparented certification prior to January 1, 2001, for the minimum classification of a water system remain subject to the following:

(1) A grandparent operator certification is site specific and nontransferrable;

(2) A grandparented operator shall meet all certification renewal requirements under the provisions of WAC 246-292-090;

(3) If a grandparented operator fails to renew his or her certification under WAC 246-292-090, the grandparent certification is no longer valid. To become recertified, the operator must apply for certification and meet all the requirements of a new applicant; and

(4) If plant or distribution system classification changes to a higher level, the grandparent certification is no longer valid; and the owner and operator shall comply with chapter 246-292 WAC.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-085, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-085, filed 12/29/00, effective 1/29/01.]

WAC 246-292-090 Renewal of certificates. (1) The operator must renew his or her certificate by January 1st of each year.

(2) The department shall renew an operator's certificates when the operator:

(a) Pays the applicable renewal fee; and

(b) Demonstrates completion of required professional growth in accordance with subsections (3) and (4) of this section. The operator must provide evidence of professional growth acceptable to the department within the designated professional growth reporting period as described in the department guideline titled, *Water Works Certification Program Guideline*.

(3) To demonstrate professional growth, a holder of WDM, WTPO, WDS, BTO or CCS certification shall accomplish one of the following activities during each professional growth reporting period:

(a) Accumulate a minimum of three continuing education units (CEU), or college credits for training that:

(i) Has an influence on water quality, water supply, or public health protection; and

(ii) Is directly relevant to the operation, or maintenance of a water system; or

(iii) Is directly relevant to managing the operation, or maintenance activities of a water system;

(b) Advance by examination in the Washington water works operator certification program within the classifications WDM and WTPO to a level 2, 3, or 4; or

(c) Achieve certification by examination in a different classification as shown below:

(i) WDM to WTPO, BTO or CCS;

(ii) WTPO to WDM, or CCS;

(iii) WDS to WDM, WTPO, BTO or CCS;

(iv) BTO to WDM, WTPO, WDS or CCS; or

(v) CCS to WDM, WTPO, BTO, or WDS.

(4) To demonstrate professional growth, a certified BAT must satisfactorily complete the department's backflow assembly tester professional growth examination during each professional growth reporting period.

(5) If an operator fails to renew his or her certificate, the department shall notify the operator by December 31st, that the certificate is temporarily valid for two months beginning January 1st.

(6) If an operator fails to renew the certificate within the two-month period, the certificate is invalid. The department shall notify the operator in writing of an invalid certificate.

(7) An operator who fails to renew his or her certification may reapply for certification, but must meet the requirements for a new applicant.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-090, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-090, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-090, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-292-090, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 201, Laws of 1982. 82-13-009 (Order 1823), § 248-55-110, filed 6/4/82. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-110, filed 9/22/78.]

WAC 246-292-100 Revocation and suspension. (1)

The department may suspend an operator's certificate for up to a year or revoke an operator's certificate for up to five years if the operator:

(a) Obtains a certificate by fraud or deceit;

(b) Performs an act of gross negligence in the operation of a purification plant or a distribution system; or

(c) Intentionally violates the requirements of this chapter or department statutes, rules or orders.

(2) Except in a case of fraud, deceit, or gross negligence, the department may not revoke or suspend a certificate under subsection (1)(c) of this section until the department notifies the operator in writing of the violation and provides an opportunity for the operator to correct the violation.

(3) A revocation or suspension action brought under this section shall be conducted in accordance with RCW 43.70-115, chapter 34.05 RCW, and chapter 246-10 WAC.

(4) A person whose certificate is revoked may not apply for certification until the period of revocation has ended.

(5) After the revocation period has ended, a person whose certificate was revoked may reapply for certification as a new operator under WAC 246-292-070.

(6) An operator whose certificate is suspended shall continue to meet all renewal requirements in accordance with WAC 246-292-090 in order to maintain certification after the suspension period has lapsed.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-100, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-100, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-100, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-292-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-120, filed 9/22/78.]

WAC 246-292-160 Water works certification fees. (1)

Operator fees:

(a) Applicable fees are listed in Table 2 of this section;

Table 2
WATER WORKS OPERATOR FEES

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	\$87.00	\$42.00	\$42.00*	\$35.00 **
WDM	\$87.00	\$42.00	\$42.00*	\$35.00 **
WDS	\$87.00	\$42.00	\$42.00*	\$35.00 **
CCS	\$51.00	\$42.00	\$42.00*	\$35.00 **
BAT	\$51.00	\$42.00	\$42.00*	\$35.00
BTO	\$51.00	\$42.00	\$42.00*	\$35.00

* The annual renewal fee for a WTPO, WDM, WDS and CCS certification is thirty-five dollars regardless of the number of classifications held.

** The annual late fee for a WTPO, WDM, WDS, and CCS certification is thirty-five dollars regardless of the number of classifications held.

(b) The department will assess a late fee to operators who fail to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity is one hundred seventy-seven dollars per classification.

(2) Group A system fees:

(a) Applicable fees are listed as indicated in Table 3 of this section.

Table 3
ANNUAL SYSTEM CERTIFICATION FEES

SYSTEM SIZE* (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	\$132.00
601 through 6,000 Services	\$403.00
6,001 through 20,000 Services	\$536.00
More than 20,000 Services	\$809.00

* Systems designated by the department as approved satellite management agencies (SMAS) shall pay a fee based on total services in all systems owned by the SMA.

(b) A Group A system must pay the fee in Table 3 in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) The department will assess a late fee against any system that fails to submit its fees to the department within the designated time period. The late fee is based on the water system's classification and is equal to ten percent of the system fee in Table 3 or thirty-five dollars, whichever is greater.

(d) The system fee for issuance of a temporary certification shall be eighty-seven dollars for each temporary position.

(3) Fees are nonrefundable and transfers of fees are not allowable.

(4) Fees required under this chapter must be paid by check or money order made payable to the department of health and mailed to the department at P.O. Box 1099, Olympia, Washington 98507-1099.

[Statutory Authority: RCW 43.70.250 and 70.119.160. 05-23-152, § 246-292-160, filed 11/22/05, effective 12/23/05; 04-12-123, § 246-292-160, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 43.70.250, 43.20B.020, and 70.119.160. 03-13-028, § 246-292-160, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.250 and 70.119.160. 02-01-065, § 246-292-160, filed 12/14/01, effective 1/14/02. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-160, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 43.70.250. 00-02-015, § 246-292-160, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-292-160, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.20B.020. 98-12-015, § 246-292-160, filed 5/22/98, effective 6/22/98. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-160, filed 1/20/94, effective 2/20/94.]

Chapter 246-305 WAC CERTIFICATION OF INDEPENDENT REVIEW ORGANIZATIONS

WAC

246-305-990 Maximum fee schedule.

WAC 246-305-990 Maximum fee schedule. This section sets the maximum fee schedule for independent reviews, and the process of review and determination of a case referred to an independent review organization (IRO).

(h) Set up twenty-four-hour assigned patient beds only

(1) IROs may not charge more than the following amount for each review:

Category	Amount
Contract review, interpretation of health plan coverage provisions	\$600
Standard medical review, straightforward review of medical necessity or adverse determination	\$700
Highly specialized medical review of complex conditions or experimental treatment	\$1000
Medical review with multiple reviewers	\$1100
Surcharge for expedited review	\$200

The fees in this section include all costs for time and materials associated with the review including, but not limited to:

(a) Record transmission expenses such as postage and facsimile costs; and

(b) Medical record handling and duplication.

(2) If the IRO and the health care plan agree in advance that the referral includes both a contract review and a medical review, the IRO may charge both fees.

(3) If an IRO charges more than the maximum fees allowed under this section, the department may take action described in WAC 246-305-110.

[Statutory Authority: 2005 c 54. 05-24-029, § 246-305-990, filed 11/30/05, effective 12/31/05.]

Chapter 246-320 WAC HOSPITAL LICENSING REGULATIONS

WAC

246-320-990 Fees.

WAC 246-320-990 Fees. This section establishes the licensure fee for hospitals licensed under chapter 70.41 RCW.

(1) Applicants and licensees shall:

(a) Submit an annual license fee of ninety-six dollars and ninety cents for each bed space within the licensed bed capacity of the hospital to the department;

(b) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(c) Include neonatal intensive care bassinet spaces;

(d) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(i) Physical plant requirements of this chapter are met without movable equipment; and

(ii) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(e) Exclude all normal infant bassinets;

(f) Limit licensed bed spaces as required under chapter 70.38 RCW;

(g) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity;

within the licensed bed capacity approved by the department.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received the application but has not performed an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received the application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because the applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

[Statutory Authority: RCW 43.70.250, 05-18-073, § 246-320-990, filed 9/7/05, effective 10/8/05. Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470, 04-19-141, § 246-320-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 70.38.105(5), 03-22-020, § 246-320-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250, 02-13-061, § 246-320-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 70.41.100, 43.20B.110, and 43.70.250, 01-20-119, § 246-320-990, filed 10/3/01, effective 11/3/01; 99-24-096, § 246-320-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 70.41.030 and 43.70.040, 99-04-052, § 246-320-990, filed 1/28/99, effective 3/10/99.]

Chapter 246-322 WAC

PRIVATE PSYCHIATRIC AND ALCOHOLISM HOSPITALS

WAC

246-322-990 Private psychiatric hospital fees.

WAC 246-322-990 Private psychiatric hospital fees.

This section establishes the licensure fees for private psychiatric hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall:

(a) Submit an annual fee of sixty dollars and zero cents for each bed space within the licensed bed capacity of the hospital to the department;

(b) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(c) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(i) Physical plant requirements of this chapter are met without movable equipment; and

(ii) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(d) Limit licensed bed spaces as required under chapter 70.38 RCW;

(e) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity;

(f) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received the application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received the application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because the applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

[Statutory Authority: RCW 43.70.250, 05-18-073, § 246-322-990, filed 9/7/05, effective 10/8/05. Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470, 04-19-141, § 246-322-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 70.38.105(5), 03-22-020, § 246-322-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250, 02-13-061, § 246-322-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250, 01-15-092, § 246-322-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 43.70.250 and 43.20B.020, 99-24-060, § 246-322-990, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020, 95-12-097, § 246-322-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250, 92-12-028 (Order 273), § 246-322-990, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 43.70.040, 91-02-050 (Order 122), § 246-322-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-324 WAC

PRIVATE ALCOHOL AND CHEMICAL DEPENDENCY HOSPITALS

WAC

246-324-990 Fees.

WAC 246-324-990 Fees. This section establishes the licensure fee for private alcohol and chemical dependency hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall submit:

(a) An initial fee of sixty dollars and zero cents for each bed space within the proposed licensed bed capacity; and

(b) An annual renewal fee of sixty dollars and zero cents for each licensed bed space.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received an application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has conducted more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

[Statutory Authority: RCW 43.70.250. 05-18-073, § 246-324-990, filed 9/7/05, effective 10/8/05. Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470. 04-19-141, § 246-324-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-324-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250. 02-13-061, § 246-324-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-092, § 246-324-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 43.70.250 and 43.20B.020. 99-24-060, § 246-324-990, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 71.12 RCW and RCW 43.60.040. 95-22-013, § 246-324-990, filed 10/20/95, effective 11/20/95.]

Chapter 246-329 WAC CHILDBIRTH CENTERS

WAC

246-329-990 Fees.

WAC 246-329-990 Fees. (1) Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred eighty dollars and thirty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

[Statutory Authority: RCW 43.70.250. 05-13-189, § 246-329-990, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470. 04-19-141, § 246-329-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-329-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250. 02-13-061, § 246-329-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 18.46.030, 43.70.110 and 43.70.250. 01-15-090, § 246-329-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-329-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-337 WAC RESIDENTIAL TREATMENT FACILITY

WAC

246-337-001	Scope and purpose.
246-337-005	Definitions.
246-337-010	Initial licensure and renewal process.
246-337-015	Service categories.
246-337-020	Responsibilities and rights of the licensee and department.
246-337-025	Exemptions and alternative methods.
246-337-030	Retroactivity.
246-337-035	Procedures to deny, suspend, modify or revoke a license.
246-337-040	Review of construction documents and functional program.
246-337-045	Governance and administration.
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246-337-055	Personnel criminal history, disclosure, and background inquiries.
246-337-060	Infection control.
246-337-065	Health and safety.
246-337-070	Emergency disaster plan.
246-337-075	Resident rights.
246-337-080	Resident care services.
246-337-085	Accepting a child with a parent in treatment.
246-337-090	Food and nutrition services.
246-337-095	Resident health care records.
246-337-100	Health care plan.
246-337-105	Medication management.
246-337-110	Use of seclusion and restraint.
246-337-115	Cleaning, maintenance and refuse disposal.
246-337-120	Facility, environment, and space requirements.
246-337-125	Toilet rooms and bathrooms.
246-337-130	Water supply, sewage and waste disposal.
246-337-135	Heating, ventilation and air conditioning.
246-337-140	Lighting, emergency lighting, and electrical outlets.
246-337-145	Laundry.
246-337-150	Resident rooms, furnishings and storage.
246-337-155	Pet management and safety.
246-337-990	Licensing fees.

WAC 246-337-001 Scope and purpose. (1) This chapter implements chapter 71.12 RCW and sets the minimum health and safety standards for licensure and operations of twenty-four hour private, county or municipal residential treatment facilities (RTF) providing health care services to persons with mental disorders or substance abuse.

(2) Additionally, these rules apply to residential treatment facilities licensed by the department of health under chapter 71.12 RCW and certified by the department of social and health services under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), and chapter 71.34 RCW (Mental health services for minors).

(3) These rules are intended to supplement other applicable federal, state and local laws, rules and ordinances. If any provision of this chapter is more restrictive than local codes and ordinances this chapter shall prevail over any less restrictive provision.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-001, filed 7/20/05, effective 8/20/05.]

WAC 246-337-005 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) **"Administrator"** means an individual person responsible for managing the day-to-day operations of the RTF.

(2) **"Adult"** means an individual age eighteen years or older.

(3) **"Approved"** means approved by the department, unless otherwise specified.

(4) **"Authorized"** means mandated or permitted, in writing, by the administrator to perform an act that is within a health care provider's lawful scope of practice, or that was lawfully delegated to the health care provider or to the unlicensed staff member.

(5) **"Bathroom"** means a room containing at least one bathtub or shower.

(6) **"Chemical dependency"** means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(7) **"Chemical dependency RTF"** means all or part of an RTF certified by DSHS under chapter 70.96A RCW, that provides twenty-four hour evaluation, stabilization and treatment services for persons with chemical dependency within one or more of the following service categories:

(a) **"Acute detoxification"** as defined in chapter 388-805 WAC;

(b) **"Subacute detoxification"** as defined in chapter 388-805 WAC;

(c) **"Intensive inpatient services"** as defined in chapter 388-805 WAC;

(d) **"Long-term treatment services"** as defined in chapter 388-805 WAC;

(e) **"Recovery house services"** as defined in chapter 388-805 WAC.

(8) **"Child"** or **"minor"** means an individual under the age of eighteen.

(9) **"Communicable disease"** means a disease caused by an infectious agent that can be transmitted from one person, animal, or object to another individual by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(10) **"Confidential"** means information that may not be disclosed except under specific conditions permitted or mandated by law or legal agreement between the parties concerned.

(11) **"Construction"** means:

(a) The erection of a facility;

(b) An addition, modification, alteration or change of an approved use to an existing facility; or

(c) The conversion of an existing facility or portion of a facility for use as a RTF.

(12) **"DASA"** means division of alcohol and substance abuse, within DSHS.

(13) **"Department"** means the Washington state department of health.

(14) **"DSHS"** means the Washington state department of social and health services.

(15) **"Emergency health care"** means services provided consistent with the health care needs of the resident for an acute illness, injury, or unexpected clinical event as determined by an authorized health care provider.

(16) **"Facility"** means a building or portion of a building.

(17) **"First aid"** means care for a condition that requires immediate assistance from an individual trained and certified in first-aid procedures.

(18) **"Hand hygiene"** means handwashing, antiseptic hand wash, or antiseptic hand or surgical hand antiseptics.

(19) **"Health"** means a state of complete physical and mental well-being and not merely the absence of disease or infirmity.

(20) **"Health assessment"** means a systematic examination of the person's body conducted by an authorized health care provider.

(21) **"Health care"** means any care, service, or procedure provided by a health care provider to diagnose, treat, or maintain a resident's physical or mental condition, or that affects the structure or function of the human body.

(22) **"Health care provider"** means an individual who is licensed, registered or certified under Title 18 RCW to provide health care within a particular profession's statutorily authorized scope of practice.

(23) **"Health care screen"** means the process approved by an authorized health care provider to determine the health care needs of a resident.

(24) **"Licensee"** means the person, corporation, association, organization, county, municipality, public hospital district, or other legal entity, including any lawful successors thereto to whom the department issues a RTF license.

(25) **"Medication"** means a legend drug prescribed for a resident by an authorized health care provider, or nonprescription drugs, also called "over-the-counter medications," that can be purchased by the general public without a prescription.

(26) **"Medication administration"** means the direct application of a medication or device by ingestion, inhalation, injection, or any other means, whether self-administered by a resident, or administered by a parent or guardian (for a minor), or an authorized health care provider.

(27) **"Medication self-administration"** or **"self-medication administration"** means a process by which each resident obtains his/her container of medication from a supervised and secure storage area, removes the dose needed and ingests or applies the medication as directed on the label while being observed by staff.

(28) **"Medication error"** includes any failure to administer or receive a medication according to an authorized health care provider's order, or according to the manufacturer's directions for nonprescription drugs.

(29) **"Medication protocol"** means a specific group of orders to be used for specific symptoms for specific residents and authorized by a health care provider.

(30) **"Mental health RTF"** means all or part of a RTF providing twenty-four hour evaluation, stabilization and treatment services for persons with a mental disorder and certified by DSHS under chapters 71.05 or 71.34 RCW, within one or more of the following service categories:

(a) **"Adult residential treatment"** as defined in chapter 388-865 WAC;

(b) **"Inpatient evaluation and treatment"** as defined in chapter 388-865 WAC;

(c) **"Child inpatient evaluation and treatment"** as defined in chapter 388-865 WAC.

(d) **"Child long-term inpatient treatment"** as defined in chapter 388-865 WAC.

(31) **"Parent"** means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under joint custody agreement; or

(b) An individual or agency judicially appointed as legal guardian or custodian of the child.

(32) **"Resident"** means an individual (adult or child) admitted to the RTF licensed under this chapter.

(33) **"Residential treatment facility"** or **"RTF"** means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

(34) **"Restraint"** means a continuum of methods used to prevent or limit free body movement.

(35) **"Room"** means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(36) **"Seclusion"** means the involuntary confinement of a resident alone in a room or area from which the resident is physically prevented from leaving.

(37) **"Sink"** means a properly trapped plumbing fixture, capable of holding water, with approved potable hot and cold running water under pressure.

(38) **"Survey"** means an inspection or investigation conducted by the department to evaluate and monitor a licensee's compliance with chapter 71.12 RCW and this chapter.

(39) **"Toilet room"** means a room containing a water closet (toilet).

(40) **"WISHA"** means the state of Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-005, filed 7/20/05, effective 8/20/05.]

WAC 246-337-010 Initial licensure and renewal process. (1) **Initial:** An applicant for an initial RTF license must submit to the department, sixty days or more before starting:

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee, including:

(i) The identity of each officer and director, or their equivalent, of the licensee;

(ii) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator in accordance with chapter 43.43 RCW;

(iii) The license fee specified in WAC 246-337-990; and

(iv) A reduced floor plan on 8-1/2 x 11 size paper that shows each room within the facility in a manner that is easily seen and understood.

(b) Evidence of applicant's compliance with chapter 71.12 RCW and this chapter including:

(i) The department approved construction documents and functional program plan;

(ii) Documentation of application for certification by DSHS under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), or chapter 71.34 RCW (Mental health services for minors);

(iii) Approval of the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(iv) Compliance with all applicable federal, state and local laws, rules, and codes; and

(v) Completion of an initial on-site survey.

(c) Other information as required by the department.

(2) If the applicant has met all requirements for licensure set forth in subsection (1) of this section, the department shall issue a RTF license (listing the service categories). An RTF license is effective for one year from the date it is issued.

(3) **Renewal:** At least thirty days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

(b) Disclosure statements and criminal history background checks obtained within three months of the renewal date for the administrator in accordance with chapter 43.43 RCW;

(c) The fee specified in WAC 246-337-990;

(d) Documentation satisfactory to the department of licensee's compliance with chapter 71.12 RCW and this chapter, including the following:

(i) Compliance with rules adopted by the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(ii) Compliance with all applicable federal, state and local laws, and rules; and

(e) Other information as required by the department.

(4) At least sixty days prior to changing any of the license service categories, number of resident beds, location or use of rooms as listed on the licensed room list, or the physical structure of the RTF, the licensee must:

(a) Notify the department in writing of the intended change;

(b) Request the department to determine the need for review by the department's construction review services; and

(c) If the change involves an approved increase in beds, the licensee must pay a fee under WAC 246-337-990;

(5) At least sixty days prior to selling, leasing, renting or otherwise transferring control of a license, that results in a change of the Uniform Business Identifier Number (UBI #), the licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change;

(d) Plans for preserving resident records, consistent with WAC 246-337-095; and

(e) Other information required by the department.

(6) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(7) A RTF license is not transferable.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-010, filed 7/20/05, effective 8/20/05.]

WAC 246-337-015 Service categories. A licensee may provide services under a single RTF license for one or more of the following service categories:

(1) Chemical dependency acute detoxification;

(2) Chemical dependency subacute detoxification;

(3) Chemical dependency intensive inpatient;

(4) Chemical dependency long-term treatment;

(5) Chemical dependency recovery house;

- (6) Mental health adult residential treatment (includes crisis services for twenty-four hours or more);
- (7) Mental health inpatient evaluation and treatment;
- (8) Mental health child long-term inpatient treatment;
- (9) Mental health child inpatient evaluation and treatment.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-015, filed 7/20/05, effective 8/20/05.]

WAC 246-337-020 Responsibilities and rights of the licensee and department. (1) The licensee must:

- (a) Comply with chapter 71.12 RCW and this chapter;
- (b) Maintain and post in a conspicuous place on the premises:

- (i) A current RTF license; and
- (ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and description of ombudsman services;

- (c) Provide services limited to each service category that appears on the RTF license;

- (d) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF;

- (e) Cooperate with the department during on-site surveys;

- (f) Respond to a statement of deficiencies by submitting to the department:

- (i) Within ten working days of receipt, a written plan of correction for each deficiency cited that includes a target date and is subject to approval by the department; and

- (ii) A written progress report attesting to the final completion of the correction of deficiencies identified in the plan of correction.

- (2) The department shall:

- (a) Issue or renew a license when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;

- (b) List, in writing, the service category(ies) the RTF is licensed to provide under this chapter;

- (c) Verify compliance with RCW 71.12.485 and chapter 212-12 WAC administered by the Washington state patrol fire marshal fire protection service;

- (d) Verify compliance with applicable state and local codes;

- (3) The department may issue a single RTF license to include two or more RTF (campus), if the applicant or licensee:

- (a) Meets the licensure requirements of chapter 71.12 RCW and this chapter; and

- (b) Operates the multiple RTF as a single integrated system with:

- (i) Governance by a single authority or body over all buildings;

- (ii) All services provided by an integrated staff; and

- (4) Conduct on-site surveys. After completing a survey, the department may:

- (a) Give the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter 71.12 RCW and this chapter observed during an on-site survey;

- (b) Obtain, review, and approve written plan of correction with dates to be completed;

- (c) Review the progress report attesting to correction of deficiencies;

- (d) Conduct a follow up on-site assessment at the discretion of the department;

- (e) Document, during an initial survey or as needed, a department-approved room list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved resident beds, and other information related to the licensed resident bed capacity. This list will be kept as part of the RTF licensure file.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-020, filed 7/20/05, effective 8/20/05.]

WAC 246-337-025 Exemptions and alternative methods. (1) An applicant or licensee may request an exemption from any part of this chapter by submitting a written request to the department, including:

- (a) The specific section, or sections, of rules for which the exemption is requested;

- (b) An explanation of the circumstances involved;

- (c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and

- (d) Any supporting research or other documentation.

- (2) After review and consideration, the department may grant an exemption if the exemption does not:

- (a) Negate the purpose and intent of these rules;

- (b) Place the safety or health of the residents in the RTF in jeopardy;

- (c) Reduce any fire and life safety or infection control laws or rules; or

- (d) Adversely affect the structural integrity of a facility.

- (3) The department will send a copy of the exemption decision to the licensee, and shall maintain the exemption as part of the current RTF file. The licensee shall maintain the documented exemption decision on file in the RTF.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-025, filed 7/20/05, effective 8/20/05.]

WAC 246-337-030 Retroactivity. Any construction on or after the effective date of this chapter must comply with this chapter. RTFs that are licensed and operating on the effective date of this chapter may continue to operate without modifications to the facility, unless specifically required under this chapter, or as deemed necessary by either the local building official, the department, other licensing regulators, the state fire marshal, for the general safety and welfare of the occupants and public.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-030, filed 7/20/05, effective 8/20/05.]

WAC 246-337-035 Procedures to deny, suspend, modify or revoke a license. (1) The department may deny, suspend, modify, or revoke a RTF facility license under chapters 71.12, 43.70, 34.05 RCW and 246-10 WAC, if the applicant or licensees have:

- (a) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found civilly liable or criminally convicted of operating the facility without a license;

(b) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(c) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(d) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident;

(e) Retaliated against a staff member, resident or other individual for reporting suspected abuse or other alleged improprieties;

(f) Failed to comply with any of the provisions of chapter 71.12 RCW or this chapter; or

(g) Failed to meet DSHS certification standards under chapters 71.05, 70.96A and 71.34 RCW.

(2) An applicant or licensee may contest a disciplinary decision or action of the department under RCW 43.70.115, chapters 34.05 RCW and 246-10 WAC.

(3) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(4) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 71.12 RCW or this chapter by:

(a) Offering a plan of correction if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee and approved by the department, that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) Offering a directed plan of correction if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems;

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame; and/or

(d) Taking administrative action initiated under chapter 34.05 RCW:

(i) An administrative action may result in a hearing before a presiding officer and the issuance of formal findings and a directed order;

(ii) The administrative action and any resulting order constitute formal action under the provisions of chapter 34.05 RCW.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-035, filed 7/20/05, effective 8/20/05.]

WAC 246-337-040 Review of construction documents and functional program. (1) Prior to beginning any construction or remodeling, the applicant or licensee must submit an application and fee, if applicable, to the department and receive written authorization by the department to proceed.

(2) The licensee or applicant must submit a written functional program, in accordance with RCW 71.12.470, outlining the service categories and types of residents to be served and how the needs of the residents will be met including, but not limited to:

- (a) Program goals;
- (b) Staffing and health care to be provided;
- (c) Infection control;
- (d) Security and safety;
- (e) Seclusion and restraint;
- (f) Laundry;
- (g) Food and nutrition; and
- (h) Medication.

(3) The licensee or applicant must submit accurate, timely, and complete construction documents that comply with all governing rules.

(4) Construction documents must include:

(a) Drawings prepared, stamped, and signed by an architect licensed by the state of Washington under chapter 18.08 RCW. The services of a consulting engineer licensed by the state of Washington may be used for the various branches of the work, if appropriate; and

(b) Drawings with coordinated architectural, mechanical, and electrical work drawn to scale showing complete details for construction, including:

(i) Site plan(s) showing streets, driveways, parking, vehicle and pedestrian circulation, utility line locations, and location of existing and new buildings;

(ii) Dimensioned floor plan(s) with the function of each room and fixed/required equipment designated;

(iii) Elevations, sections, and construction details;

(iv) Schedule of floor, wall, and ceiling finishes;

(v) Schedules of doors and windows - sizes and type, and door finish hardware;

(vi) Mechanical systems - plumbing and heating/venting/air conditioning; and

(vii) Electrical systems, including lighting, power, and communication/notification systems;

(c) Specifications that describe with specificity the workmanship and finishes; and

(d) Shop drawings and related equipment specifications for:

(i) An automatic fire sprinkler system when required by other codes; and

(ii) An automatic fire alarm system when required by other codes.

(5) A license may not be issued for a new RTF, a new facility within an RTF, or changes in resident bed capacity or licensed service category(ies) for a currently licensed RTF, without written approval from the department's construction review services unit and residential care services program.

(6) The applicant or licensee must:

(a) Comply with the standards as adopted by the Washington state building code council;

(b) Assure conformance to the approved plans during construction;

(c) Submit addenda, change orders, construction change directives or any other deviation from the approved plans prior to their installation;

(d) Provide a written construction project completion notice to the department indicating:

(i) The completion date; and

(ii) The actual construction cost;

(e) Make adequate provisions for the health, safety, and comfort of residents during construction projects.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-040, filed 7/20/05, effective 8/20/05.]

WAC 246-337-045 Governance and administration.

The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

(1) Adopting, periodically reviewing, and updating as necessary, policies that:

(a) Govern the organization and functions of the RTF including:

(i) A brief narrative explaining the scope of services provided;

(ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and

(iii) A policy addressing that sufficient resources such as personnel, facilities, equipment, and supplies are provided to meet the needs of the population served;

(b) Provide a process for communication and conflict resolution for both staff and residents; and

(c) Provide clear lines of authority for both management and operation of the RTF.

(2) Establishing procedures for selecting and periodically evaluating a qualified administrator to assure that he or she carries out the goals and policies of the governing body. The administrator must:

(a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services properly;

(b) Be available, or assure that a designated alternate who has similar qualifications is available, one hundred percent of the time, either in person, by telephone or electronic pager (or similar electronic means), to carry out the goals, objectives and standards of the governing body.

(3) Establishing written policies and procedures that implement all applicable rules, which are routinely reviewed by the administrator and the governing body to ensure they are kept current, made known to staff, made available at all times to all staff, and are complied with within the RTF.

(4) Establishing a personnel system that assures:

(a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;

(b) Staff are assigned, oriented, trained, supervised, monitored, and evaluated;

(c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident are competent by training, experience and capability;

(d) Contractors have current contracts on file clearly stating the responsibilities of the contractor;

(e) Staff with unsupervised access to residents complies with WAC 246-337-055.

(5) Establishing a RTF-wide approach to a coordinated quality improvement program for resident care services under chapter 71.12 RCW addressing health and safety.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-045, filed 7/20/05, effective 8/20/05.]

WAC 246-337-050 Management of human resources. The licensee must ensure residents receive health care by adequate numbers of staff authorized and competent to carry out assigned responsibilities, including:

(1) A sufficient number of personnel must be present on a twenty-four hour per day basis to meet the health care needs of the residents served; managing emergency situations; crisis intervention, implementation of health care plans; and required monitoring activities.

(2) Personnel trained, authorized and credentialed (where applicable) to carry out assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual plan of care/treatment;

(3) The presence of at least one individual trained in basic first aid and age appropriate cardiopulmonary resuscitation twenty-four hours per day.

(4) Written documentation to verify credentials, training, and performance evaluations for each staff member including, but not limited to:

(a) Employment application/hire date;

(b) Verification of education, experience and training;

(c) Current job description;

(d) Criminal disclosure statement and results of a Washington state patrol background inquiry;

(e) HIV/AIDS training or verification;

(f) Current license/certification/registration (if applicable);

(g) Current basic first aid and age appropriate cardiopulmonary resuscitation training (if applicable);

(h) Current food and beverage service worker permit (if applicable);

(i) Current driver's license (if applicable);

(j) Tuberculosis screening (refer to WAC 246-337-060);

(k) Performance evaluation(s);

(l) Staff using restraint and seclusion procedures must receive initial and ongoing education and training in the proper and safe use of seclusion and/or restraints;

(m) Initial orientation and ongoing training to address the safety and health care needs of the population served.

(5) If independent contractors, consultants, students, volunteers and trainees are providing direct on-site residential

care, the licensee must ensure their compliance with this section.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-050, filed 7/20/05, effective 8/20/05.]

WAC 246-337-055 Personnel criminal history, disclosure, and background inquiries. The licensee must ensure that all staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents are screened for criminal history disclosure and background requirements consistent with RCW 43.43.830 through 43.43.842.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-055, filed 7/20/05, effective 8/20/05.]

WAC 246-337-060 Infection control. The licensee must ensure each resident's care is provided in an environment that prevents the transmission of infections and communicable disease among residents, staff, and visitors including:

(1) Implementing and maintaining an infection control program by assignment of responsibility for infection control and monitoring to a specified staff member.

(2) Maintaining an infection control program that includes adoption and implementation of written policies and procedures for:

(a) Meeting the standards as outlined in the most recent edition of the department's *Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Curriculum Manual*, including;

- (i) Hand hygiene;
- (ii) Disinfection;
- (iii) Standard/universal precautions;

(b) Residents with poor hygiene;

(c) Control of bloodborne pathogens in accordance with WISHA, chapter 296-823 WAC;

(d) Control of tuberculosis consistent with WISHA, department guidelines, and chapter 246-170 WAC;

(e) Exclusion of staff from work who have a communicable disease in an infectious stage; and

(f) Environmental management and housekeeping functions.

(3) Ensuring that staff report notifiable conditions and cooperate with public health authorities to facilitate investigation of a case, suspected case, or outbreak of a notifiable condition, consistent with chapter 246-101 WAC.

(4) Providing the equipment necessary to implement the RTF infection control policies and procedures.

(5) Complying with chapter 246-100 WAC "Communicable and certain other diseases."

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-060, filed 7/20/05, effective 8/20/05.]

WAC 246-337-065 Health and safety. The licensee must protect resident health and safety by developing written policies and procedures that are consistent with the requirements of this chapter, and address:

(1) Coordination of interagency and intra-agency services, if any, to meet and provide for resident health care needs.

(2) The provision of health care services.

(3) The provision for transportation for residents in accordance with Washington state laws and rules governing transportation.

(4) Smoking policies and procedures in compliance with applicable Washington state laws and rules.

(5) Security to protect residents, visitors, staff and property including, but not limited to:

(a) Controlling access to and egress (elopement and evacuation) from the RTF; and

(b) Investigating, and recording all security incidents.

(6) Reporting to the department serious or undesirable resident outcomes including, but not limited to, death, suicide, or major disruption of services through internal or external emergency events.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-065, filed 7/20/05, effective 8/20/05.]

WAC 246-337-070 Emergency disaster plan. (1) The licensee must ensure resident health and safety by establishing and implementing an emergency plan designed for response to internal and external emergency safety situations. The emergency plan must:

(a) Be specific to the RTF, and each building that comprises the RTF;

(b) Be communicated to the residents and staff;

(c) Be coordinated with local emergency plans;

(d) Address actions the licensee will take if residents cannot return to the facility;

(e) Be posted or readily available to all staff and residents; and

(f) Require emergency phone numbers to be adjacent to appropriate phones.

(2) The emergency plan must identify:

(a) Who is responsible for each aspect of the plan;

(b) Procedures for accounting for all residents and staff during and after the emergency;

(c) How the premises will be evacuated, if necessary, and the meeting location after evacuation;

(d) How to address care of residents with special needs during and after an emergency;

(e) Provisions for emergency medications, food, water, clothing, shelter, heat and power;

(f) How family members will be contacted; and

(g) Transportation arrangements if necessary.

(3) The licensee must evaluate the effectiveness of the emergency plan, including:

(a) Review at least annually and revise as needed;

(b) Conduct and document, at least annually, emergency drills for residents and staff; and

(c) Debrief and evaluate the plan after each emergency incident or drill.

(4) Supplies and first-aid equipment must be:

(a) In a designated location;

(b) Readily available to staff during all hours of operation including during transportation of residents;

(c) Sufficient in type and quantity according to staff and residents' needs; and

(d) Sufficient to maintain a three-day emergency supply of dry or canned food and water for all staff and residents.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-070, filed 7/20/05, effective 8/20/05.]

WAC 246-337-075 Resident rights. The licensee must establish a process to ensure resident rights are protected in compliance with chapter 71.12 RCW, this chapter, and with chapters 70.96A, 71.05, and/or 71.34 RCW, as applicable, depending on the service categories that are part of the RTF license. This process must address, at a minimum, how the RTF will:

(1) Inform each resident in an understandable manner, his or her personal representative, designee or parent, of all rights, treatment methods, and rules applicable to the proposed health care of a particular resident.

(2) Document that each resident received a written copy of his or her rights on or before admission.

(3) Address use of emergency interventions such as use of youth behavior management guidelines, restraint and/or seclusion, the use of special treatment interventions, restriction of rights and parameters of confidentiality.

(4) Allow residents, their personal representatives, and parents, to review resident files in accordance with chapter 70.02 RCW.

(5) Ensure that each resident is treated in a manner that respects individual identity, human dignity and fosters constructive self-esteem by ensuring each resident has the right to:

(a) Be free of abuse, including being deprived of food, clothes or other basic necessities;

(b) Be free of restraint and/or seclusion, except as provided in WAC 246-337-110;

(c) Participate or abstain from social and religious activities;

(d) Participate in planning his or her own health care and treatment that considers their own medical and/or mental health advance directives;

(e) Refuse to perform services for the benefit of the RTF unless agreed to by the resident, as a part of the individual health care plan and in accordance with applicable law;

(f) Inform each resident of the cost of treatment;

(g) Inform each resident in writing of the department contact information, including telephone number and mailing address;

(h) Inform each resident that the resident may file a complaint with the department regarding the RTF's noncompliance with any part of this chapter, without interference, discrimination or reprisal. The resident may choose whether to notify the RTF of the complaint;

(i) Promote a healthy, safe, clean and comfortable environment;

(j) Protect each resident from invasion of privacy: Provided that reasonable means may be used to detect or prevent items that may be harmful or injurious to the resident or others, from being possessed or used on the premises.

(6) Protect the confidentiality of treatment and personal information when communicating with individuals not associated or listed in the resident individual's treatment plan or confidentiality disclosure form.

(7) Comply with reporting requirements of suspected incidents of child or adult abuse and neglect in accordance with chapters 26.44 and 74.34 RCW.

(8) Account for each resident's assets, including allowance, earnings from federal or state sources and expenditures.

(9) Assist each resident, upon request, in sending written communications of the fact of the resident's commitment in the RTF to friends, relatives, or other persons.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-075, filed 7/20/05, effective 8/20/05.]

WAC 246-337-080 Resident care services. (1) Policies and procedures: The licensee must establish and implement policies and procedures that describe how residents are provided care and personal equipment to meet their health care needs including:

(a) Admission, transfer, discharge and referral process.

(b) Addressing how the licensee provides or makes provision for health care services.

(c) Addressing the action of RTF personnel when medical emergencies or a threat to life arises when a physician or authorized health care provider is not present including:

(i) Having current policies and procedures signed by a physician or authorized health care provider, reviewed as needed and at least biennially;

(ii) How resident medical and related data shall be transmitted in the event of a transfer;

(iii) Need for the notification of legal guardian or next of kin, the department or other regulatory agencies in the event of a serious change in the resident's condition, transfer of a resident to another facility, elopement, death, or when unusual circumstances occur; and

(iv) When to consult with internal or external resource agencies or persons e.g., poison control, fire department and police.

(d) Addressing how the RTF must provide for each resident's need for personal care items and durable medical equipment.

(e) Addressing provisions for transfer and appropriate prenatal and postnatal care services for pregnant residents.

(f) Addressing how a licensee providing twenty-four hours per day nursing service functions provides systems for supervision, assessment and delegation in accordance with applicable statute and rules including chapter 18.79 RCW, Nursing care.

(g) Addressing how a licensee providing acute detoxification services must ensure resident health and safety including:

(i) A licensed nurse must be on-site when a resident is receiving acute detoxification services;

(ii) Registered nurse responsible for supervising resident care nursing services shall be on-site at least four hours per week and available on-call to the licensed practical nurse; and

(iii) Policies and procedures for acute detoxification services approved by an authorized health care provider.

(h) Addressing how licensees providing subacute detoxification services must ensure resident health and safety, including:

(i) Implementing policies and procedures establishing agreements with authorized health care providers or hospitals that includes:

(A) Criteria for determining the degree of medical stability of a potential resident in a subacute detoxification facility;

(B) Monitoring the resident after being admitted;

(C) Reporting abnormal symptoms according to established criteria;

(D) Criteria requiring immediate transfer to a hospital; and

(E) Resident discharge or transfer criteria;

(ii) Monitoring of residents by a staff including observing a resident for signs and symptoms of illness or trauma; and

(iii) Observing the resident to self-administer his or her own medication as prescribed by the resident's health care provider.

(2) **Delivery of resident care services:** The licensee must ensure the provision of or for that resident care services to meet the health care needs of the resident including:

(a) Admission is limited to residents for whom a facility is qualified by staff, services, equipment, building design and occupancy to give safe care.

(b) A health care screen of each resident that is to be conducted upon admission and updated as changes occur or when additional health care needs are identified.

(c) A completed comprehensive health assessment and medical history that is to be conducted by a health care provider following admission to an RTF, unless a current comprehensive health assessment or review was performed and is available upon admission to an RTF providing mental health or acute detoxification services.

(d) A health assessment by a health care provider, any time a resident exhibits signs and symptoms of an injury, illness or abnormality for which medical diagnosis and treatment are indicated.

(e) Access to and availability of authorized health care providers to develop and implement the resident plan of care.

(f) Sufficient numbers of trained personnel who are available to provide health care according to the resident's health care plan.

(g) Provision for or access by referral to health care for residents admitted to the RTF including, but not limited to:

(i) Assisting residents in following all prescribed treatments, modified diets, activities or activity limitations.

(ii) Assisting residents to keep health care appointments.

(iii) Medication administration or observing the resident self-administer his or her own medication as prescribed by the resident's authorized health care provider.

(iv) Incorporating resident's health care needs and behavioral needs into the resident's overall health care plan;

(v) Emergency health care.

(h) Provision for twenty-four hours per day nursing service functions to include availability by phone; when the RTF provides mental health inpatient evaluation and treatment, mental health adult residential treatment, mental health child long-term inpatient treatment, mental health child inpatient evaluation and treatment, and/or chemical dependency acute detoxification.

(i) Provision is made either on the premises, through a contract laboratory or through a health care provider for service(s) required by the resident.

(j) Storing and labeling each resident's personal care items separately preventing contamination and access by other residents.

(3) **Documentation:** The licensee must ensure documentation of health care received or provided in the resident's health care record.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-080, filed 7/20/05, effective 8/20/05.]

WAC 246-337-085 Accepting a child with a parent in treatment. A chemical dependency facility that accepts a child with a parent in treatment must assure child care services are provided for the child and the services of a health care provider who is responsible for developing health care policies, provides consultation and monitors the child's health care. The facility shall:

(1) Operate or arrange for child care licensed by DSHS under chapter 388-295 WAC, Minimum licensing requirements for child day care centers, chapter 388-151 WAC, School-age child care center minimum licensing requirements, chapter 388-155 WAC, Minimum licensing requirements for family child day care homes which the children will attend during treatment hours of the parent;

(2) Allow an infant under one month of age to be cared for by the staff of the RTF to supplement care by the mother;

(3) Allow the parent to be responsible for the care of his/her own child during the hours the parent is not in treatment, with the following conditions:

(a) The parent's management of the child is subject to the policies and procedures of the RTF;

(b) A parent may designate another resident to care for a child, if the designation is in writing and includes:

(i) A specified time period;

(ii) Any special instructions; and

(iii) Is signed by the parent, designee and staff member who approves of the designation;

(4) Establish policies and procedures addressing the chronological and developmental needs of the children to be accepted;

(5) Obtain a health history for each child following admission;

(6) Develop with the parent a plan of care for each child that addresses the child's health care needs including medications.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-085, filed 7/20/05, effective 8/20/05.]

WAC 246-337-090 Food and nutrition services. The licensee must ensure that nutritionally adequate and appetizing meals that meet resident needs are stored, prepared and served in accordance with chapter 246-215 WAC.

(1) The licensee shall provide:

(a) Food and dietary services managed by a person knowledgeable in food services, and, when needed, consultative services provided by a registered dietician;

(b) Food and water daily, supplying at least one hundred percent of the current nationally recommended dietary allowance for meals and snacks, adjusted for:

(i) Age, gender, development, activities and health conditions; and

(ii) Reasonable accommodations for cultural and religious preferences.

(2) The licensee shall provide at least three meals at regular intervals without more than fourteen hours between the last meal of the day and the first meal of the next day.

(3) If modified food plans are needed for residents receiving detoxification services or who have other nutritional needs, the licensee must:

(a) Provide modified diets, nutrient supplements and concentrates to residents as prescribed by an authorized health care provider;

(b) Limit modified meal content or frequency to no more than forty-eight hours without an authorized health care provider's orders; and

(c) Notify staff of any resident with food allergies or other medical conditions, symptoms of allergic reactions to watch for, and emergency measures to take if they occur.

(4) The licensee must allow sufficient time for residents to consume meals.

(5) The licensee must designate at least one individual having a current food and beverage service worker's permit to monitor and oversee food handling at the RTF; and require that all residents who do not have food and beverage worker permits, but have been medically screened and cleared to work in the kitchen, be oriented and supervised by staff with current food and beverage worker permits at all times when working in the kitchen.

(6) Menus must be dated, available and conspicuously posted one week or more in advance. The licensee must:

(a) Keep records of all food served, and substitutions;

(b) Retain menu records of food served for at least three months.

(7) All food must be prepared on-site unless the licensee has a signed contract or agreement with a food establishment.

(8) Each licensee must keep on file:

(a) A description of how food will be handled, prepared and stored; and

(b) A written plan of action should food be in an unacceptable condition.

(9) Staff must follow manufacturer's instructions in operating kitchen equipment.

(10) A licensed RTF with sixteen or fewer residents may use domestic or home-type kitchen appliances.

(11) An RTF with more than sixteen residents must use commercial appliances.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-090, filed 7/20/05, effective 8/20/05.]

WAC 246-337-095 Resident health care records. The licensee must ensure the RTF meets the following requirements:

(1) Develop and implement procedures for maintaining current health care records as required by chapter 70.02 RCW and RCW 71.05.390 or by applicable laws.

(2) Make health care records accessible for review by appropriate direct care staff, the resident and the department in accordance with applicable law.

(3) Ensure health care records are legibly written or retrievable by electronic means.

(4) Document medical information on the licensee's standardized forms.

(5) Record health care information by the health care provider or direct care staff with resident contact to include typed or legible handwriting in blue or black ink, verified by signature or unique identifier, title, date and time.

(6) Maintain the confidentiality and security of health care records in accordance with applicable law.

(7) Maintain health care records in chronological order in their entirety or chronological by sections.

(8) Keep health care records current with all documents filed according to the licensee's written timeline policy.

(9) Inclusion of the following, at a minimum, in each record:

(a) Resident's name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, date of discharge, previous address and phone number, if any;

(b) Resident's receipt of notification of resident's rights and responsibilities, if applicable;

(c) Resident's consent for health care provided by the RTF;

(d) A copy of any authorizations, advance directives, powers of attorney, letters of guardianship, or other similar documentation provided by the resident;

(e) Original reports, where available or, if not available, durable, legible copies of original reports on all tests, procedures, and examinations performed on the resident;

(f) Health assessments;

(g) Health care plan, including the names, relationship to the resident and addresses of those individuals the resident states with whom the RTF may freely communicate regarding the health care of the resident without violating the resident's right to confidentiality or privacy of health care information;

(h) Dated and signed (or initialed) notes describing health care provided for each contact with the resident pertinent to the resident's health care plan including, but not limited to:

(i) Physical and psychosocial history;

(ii) Medication administration, medical/nursing services, and treatment provided, resident's response to treatment and any adverse reactions and resolution of medical issues;

(iii) Use of restraint or seclusion consistent with WAC 246-337-110;

(iv) Instructions or teaching provided to resident in connection with his or her health care; and

(v) Discharge summary, including:

(A) Concise review of resident's physical and mental history, as applicable;

(B) Condition upon discharge;

(C) Recommendations for services, follow-up or continuing care; and

(D) Date and time of discharge.

(10) Retaining the health care records at least six years beyond resident's discharge or death date, whichever occurs sooner, and at least six years beyond the age of eighteen.

(11) Destroying the health care records in accordance with applicable law and in a manner that preserves confidentiality.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-095, filed 7/20/05, effective 8/20/05.]

WAC 246-337-100 Health care plan. The licensee must ensure that an individual health care plan is developed and implemented for each resident based on health assess-

ment(s) on admission and updated as additional needs are identified during treatment that includes the following:

(1) The health care plan must be prepared by one or more staff involved in the resident's care with participation by the resident and by either his or her legal representative or parent when minors are involved;

(2) An initial or provisional health care plan addressing the health care needs of the resident on admission to a RTF;

(3) A discharge (aftercare) health care plan if the resident will require less than a fourteen-day treatment, if appropriate; and

(4) A comprehensive health care plan developed by participants providing health care to the resident addressing and including, but not limited to:

(a) Health care needs;

(b) Implementation, modification and review of health care needs documented in the health care plan and health care record;

(c) Needs of a mother and child during pregnancy and after delivery, if applicable;

(d) Work assignments given to residents as part of their health care plan, if applicable; and

(e) Discharge health care needs.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-100, filed 7/20/05, effective 8/20/05.]

WAC 246-337-105 Medication management. The licensee is responsible for the control and use of all medications within the RTF, including:

(1) Ensuring policies and procedures and medication protocols are developed, approved, reviewed and implemented by licensed health care providers, administration and pharmacist (as needed). The policies and procedures must be consistent with the rules of the department and the department's board of pharmacy and address all aspects of medication administration, including the following:

(a) Timely procurement;

(b) Medication administration;

(c) Prescribing;

(d) Proper storage conditions addressing security, safety, sanitation, temperature, light, moisture and ventilation;

(e) Use of nonprescription drugs:

(i) List of drugs available;

(ii) Parameters of use;

(f) Receipt;

(g) Proper labeling;

(h) Disposal;

(i) Medication brought into RTF by a resident;

(j) Accountability;

(k) Starter supply of psychotropic, detoxification and emergency drugs not for a specific resident;

(l) Emergency allergy response kit of prepackaged medications and supplies for the treatment of anaphylactic shock; and

(m) Medications for short term authorized absence (pass) from the RTF, where applicable.

(2) Establishing and maintaining of an organized system that ensures accuracy in receiving, transcribing and implementing policies and procedures for medication administration, including ensuring residents receive the correct medication, dosage, route, time, and reason.

(3) Documentation of all medications administered or self-administered, including the following data:

(a) Name and dosage of medication;

(b) Start/stop date;

(c) Time;

(d) Route;

(e) Staff or resident initials indicating medication was administered, self-administered or issued;

(f) Notation if medication was refused, held, wasted or not administered or self-administered;

(g) Allergies;

(h) Resident response to medication when given as necessary or as needed (PRN);

(i) Medical staff notification of errors, adverse effects, side effects; and

(j) Within established parameters for nonprescription drugs.

(4) Ensuring written orders are signed by an authorized health care provider with prescriptive authority for all legend drugs and vaccines. Verbal orders for legend drugs and vaccines must be signed by the prescriber as soon as possible, but no later than seven days after the verbal order.

(5) Ensuring use of nonprescription drugs that are self-administered are:

(a) Within parameters established for nonprescription drugs; and

(b) According to established list.

(6) Having a current established drug reference resource available for use by RTF staff.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-105, filed 7/20/05, effective 8/20/05.]

WAC 246-337-110 Use of seclusion and restraint.

Any RTF that utilizes restraint or seclusion must ensure that restraint or seclusion is performed in compliance with chapters 70.96A, 71.05, 71.34 RCW, this chapter, and other applicable federal and state laws and rules. Restraint and seclusion must be performed in a manner that is safe, proportionate and appropriate to the severity of the behavior, the resident's chronological and developmental age, size, gender, physical, medical and psychiatric condition, and personal history.

(1) The licensee may use seclusion or restraint only in emergency situations needed to ensure the physical safety of the individual resident or other residents or staff of the facility, and when less restrictive measures have been found to be ineffective to protect the resident or others from harm.

(2) Seclusion and restraint procedures must be implemented in the least restrictive manner possible in accordance with a written modification to the resident's health care plan and discontinued when the behaviors that necessitated the restraint or seclusion are no longer in evidence.

(3) "Whenever needed" or "as needed" (PRN) orders for use of seclusion or restraint are prohibited.

(4) A physician or other authorized health care provider must authorize use of the restraint or seclusion within one hour of initiating the restraint or seclusion.

(5) Each order of restraint or seclusion is limited in length of time to:

(a) **Adults:** Four hours;

(b) **Children and adolescents ages nine to seventeen:** Two hours; and

(c) **Children under nine years of age:** One hour.

(6) A physician or an authorized health care provider, authorized by the licensee, may only renew the original order in accordance with these limits for up to a total of twenty-four hours.

(7) A physician or an authorized health care provider must examine the resident, before the restraint or seclusion exceeds more than twenty-four hours. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(8) Within one hour of initiation of restraint or seclusion, an authorized health care provider must conduct a face-to-face assessment of the physical and psychological well-being of the resident.

(9) The resident's clinical record must include the following documentation should restraint or seclusion be used:

(a) Order for the restraint or seclusion including name of the physician or authorized health care provider authorizing restraint or seclusion;

(b) Date/time order obtained;

(c) The specific intervention ordered including length of time and behavior that would terminate the intervention;

(d) Time restraint or seclusion began and ended;

(e) Time and results of one hour assessment;

(f) Resident behavior prior to initiation of restraint or seclusion;

(g) Any injuries sustained during the restraint or seclusion; and

(h) Post intervention debriefing with resident to discuss precipitating factors leading to the need for intervention.

(10) Safety health checks must be conducted and documented at a minimum of every fifteen minutes, to include:

(a) Behavior;

(b) Food/nutrition offered;

(c) Toileting; and

(d) Physical condition.

(11) Staff shall continuously observe and monitor residents in seclusion or restraint by an assigned staff member (face-to-face) or by staff using both video and audio equipment.

(12) Staff involved in the restraint or seclusion will debrief and address effectiveness and safety issues.

(13) The licensee must ensure that restraint and seclusion is carried out in a safe environment. This room must:

(a) Be designed to minimize potential for stimulation, escape, hiding, injury, or death;

(b) Have a maximum capacity of one resident;

(c) Have a door that opens outward;

(d) Have a staff-controlled, lockable, adjoining toilet room;

(e) Have a minimum of three feet of clear space on three sides of the bed; and

(f) Have negative pressure with an independent exhaust system with the exhaust fan at the discharge end of the system.

(14) Restraint equipment must be clean and in good repair.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-110, filed 7/20/05, effective 8/20/05.]

[2006 WAC Supp—page 800]

WAC 246-337-115 Cleaning, maintenance and refuse disposal. The licensee must ensure that the RTF, equipment and furnishings are safe, sanitary, and maintained in good repair. The RTF shall provide for:

(1) Sanitary disposal and collection of garbage and refuse, by including:

(a) Use of noncombustible waste containers in resident rooms and common use areas;

(b) Containers constructed of nonabsorbent material, which are water-tight, covered, and adequate to store garbage and refuse generated by the RTF;

(c) A storage area location convenient for resident and staff use;

(d) An area and containers that are cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(2) Management of biohazardous and nonmedical waste in accordance with applicable federal, state and local rules, including the use of appropriate containers and collection and disposal services if infectious wastes are generated.

(3) A locked housekeeping room on each level of the RTF that is equipped with:

(a) A utility sink or equivalent means of obtaining and disposing of mop water separate from food preparation and service areas; and

(b) Storage for cleaning supplies and wet mops which is mechanically ventilated to the outside according to standards adopted by the state building code council, chapter 51-13 WAC.

(4) Adequate storage space for:

(a) Clean and soiled equipment and linens;

(b) Lockable, shelved storage impervious to moisture, for cleaning supplies, disinfectants and poisonous compounds; and

(c) Separate, locked storage for flammable materials or other fire and safety hazards.

(5) A safe and cleanable area is designated for pouring stock chemicals and cleaning supplies into separate, properly labeled containers if stock chemicals are used.

(6) An effective pest control program so that the RTF is free of pests such as rodents and insects.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-115, filed 7/20/05, effective 8/20/05.]

WAC 246-337-120 Facility, environment, and space requirements. The licensee must ensure that each RTF, exterior grounds and component parts such as, but not limited to, fences, equipment, outbuildings and landscape items are safe, free of hazards, clean, and maintained in good repair, including:

(1) Each RTF shall be located on a site which is:

(a) Free of standing water; and

(b) Accessible by emergency vehicles on at least one street, road or driveway usable under all weather conditions and free of major potholes or obstructions.

(2) Develop and implement systems for routine preventative maintenance, including:

(a) Heating ventilation and air conditioning, plumbing and electrical equipment;

(b) Certification and calibration of biomedical and therapeutic equipment; and

(c) Documentation of all maintenance.

(3) Rooms shall be provided for dining, multipurpose, counseling, therapy and social activities, including:

(a) At least forty square feet per resident for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies;

(b) A ceiling height of at least seven and one-half feet over the required floor area throughout the RTF;

(c) At least one private area for visitation of residents and guests;

(d) Therapy rooms for individual and group counseling that maintain visual and auditory confidentiality in the ratio of at least one room per twelve residents; and

(e) A medical examination room, when there is routine physical examination of residents within the RTF. The examination room must be equipped with:

(i) An exam table with at least three feet of space on two sides and end of the table for staff access;

(ii) An examination light;

(iii) Storage units for medical supplies and equipment;

(iv) A handwashing sink;

(f) Dining room(s) or area(s) are large enough to accommodate all residents at a single sitting or in no more than three shifts. If the space is used for more than one purpose, that space must be designed to accommodate each of the activities without unreasonable interference with one another.

(4) Equip stairways with more than one riser and ramps with slopes greater than one in twenty with handrails on both sides. Ends of handrails are designed in a manner that eliminates a hooking hazard.

(5) School facilities, excluding child care, serving residents on the same grounds as the RTF must meet all requirements for health and safety and comply with chapter 246-366 WAC, Primary and secondary schools.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-120, filed 7/20/05, effective 8/20/05.]

WAC 246-337-125 Toilet rooms and bathrooms. The licensee must ensure that private or common-use toilet rooms and bathrooms are available to residents including:

(1) Provision for a minimum of one toilet (water closet) and handwashing sink for every eight residents, or fraction thereof. Urinals may count for up to one-third of the required toilets in a male-only toilet room.

(2) A toilet and handwashing sink in, or immediately accessible to each bathroom.

(3) A minimum of one bathing fixture for every eight residents.

(4) Rooms containing more than one water closet or more than one bathing area must:

(a) Be designated for use by one gender, unless it is a toilet specifically designated for children under the age of six years;

(b) Provide for privacy during toileting, bathing, and dressing through the use of doors or dividers;

(5) Each toilet room and bathroom must be equipped with:

(a) Water resistant, smooth, easily cleanable, slip-resistant bathtubs, showers, and floor surfaces;

(b) Washable walls to the height of splash or spray;

(c) Washable cabinets and counter tops;

(d) Plumbing fixtures designed for easy cleaning;

(e) Clean, nonabsorbent toilet seats free of cracks;

(f) Grab bars installed at each water closet and bathing fixture;

(g) Shatter resistant mirrors when appropriate;

(h) Adequate lighting for general illumination;

(i) One or more handwashing sink with soap and single use or disposable towels with a mounted paper towel dispenser, unless a blower or equivalent hand-drying device is provided;

(j) Toilet tissue with a reachable mounted tissue dispenser by each toilet.

(6) Reasonable access to bath and toilet rooms must be provided by:

(a) Locating a toilet room and bathing facilities on the same floor or level as the sleeping room of the resident; and

(b) Providing access without passage through any food preparation area or from one bedroom through another bedroom.

(7) If a toilet room or bathing facility adjoins a bedroom, the bathing facility is restricted to use by those residents residing in the adjoining bedrooms.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-125, filed 7/20/05, effective 8/20/05.]

WAC 246-337-130 Water supply, sewage and waste disposal. The licensee must ensure that water supply and waste disposal in each facility meet the provisions of chapter 246-290 or 246-291 WAC, whichever applies, including:

(1) Maintaining tempered water between one hundred and one hundred twenty degrees Fahrenheit in resident areas.

(2) Maintaining the plumbing systems free of cross connections.

(3) Assuring all sewage and waste water drain into a public sewer system in compliance with applicable laws and rules, or meet the requirements of chapters 246-272 and 173-240 WAC, and local laws and rules.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-130, filed 7/20/05, effective 8/20/05.]

WAC 246-337-135 Heating, ventilation and air conditioning. (1) The licensee must ensure that all rooms used by residents are able to maintain interior temperatures between sixty-five degrees Fahrenheit and seventy-eight degrees Fahrenheit year-round.

(2) Direct evaporative coolers may not be used for cooling. In existing facilities, no new or replacement evaporative coolers may be used after adoption of these rules. Facilities currently using direct evaporative coolers (swamp coolers or similar equipment) shall follow manufacturer's instructions and develop and implement a written preventive maintenance program.

(3) All areas of the building must be ventilated to prevent excessive odors and moisture. The ventilation system must be in compliance with chapter 51-13 WAC. Facilities licensed prior to July 1991 may continue to use windows for ventilating toilet rooms, bathrooms, and janitor rooms if the windows are equipped with sixteen gauge mesh screens.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-135, filed 7/20/05, effective 8/20/05.]

WAC 246-337-140 Lighting, emergency lighting, and electrical outlets. The licensee must ensure that lighting, emergency lighting, and electrical outlets are adequate and safe including:

(1) Light fixtures are protected against light bulb breakage by using appropriately fitted shields, bulbs, or tubes manufactured with shatter resistant materials in all areas occupied by residents, including common areas, and in medication and food preparation areas.

(2) Each room or area occupied by children under age five or residents with unsafe behaviors must have tamper resistant electrical outlets.

(3) Each electrical outlet within six feet of a sink or wet area must be of the ground fault interrupter type or be controlled by a ground fault circuit interrupter.

(4) Provide emergency lighting on each floor.

(5) Provide operable exterior lighting with solar or battery backup at the exit and entry doors.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-140, filed 7/20/05, effective 8/20/05.]

WAC 246-337-145 Laundry. The licensee must ensure that laundry facilities, equipment, handling and processes ensure linen and laundered items provided to residents are clean, in good repair and adequate to meet the needs of residents including:

(1) The licensee must provide laundry and linen services on the premises, or by commercial laundry.

(2) The licensee must handle, clean, and store linen according to acceptable methods of infection control. The licensee must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources;

(d) Ensure all staff wears appropriate personal protective equipment and uses appropriate infection control practices when handling laundry;

(e) Ensure that damp textiles or fabrics are not left in machines for longer than twelve hours;

(f) Ensure that gross soil is removed before washing and proper washing and drying procedures are used; and

(g) Ensure that contaminated textiles and fabrics are handled with minimum agitation to avoid contamination of air, surfaces and persons.

(3) The licensee must use and maintain laundry equipment according to manufacturers' instructions.

(4) The licensee must use washing machines that have a continuous supply of hot water with a temperature of one hundred forty degrees Fahrenheit, or that automatically dispense a chemical sanitizer and detergent or wash additives as specified by the manufacturer, whenever the licensee washes:

(a) Licensee's laundry;

(b) Licensee's laundry is combined with resident's laundry into a single load; or

(c) More than one resident's laundry is combined into a single load.

(5) The licensee or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below one hundred forty degrees Fahrenheit provided chemicals suitable for low temperature washing at proper use concentration and according to the cleaning instructions of the textile, fabric or clothing are used.

(6) The licensee must ventilate laundry rooms and areas to the exterior including areas or rooms where soiled laundry is held for processing by off-site commercial laundry services.

(7) The licensee must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(8) If the licensee provides a laundry area where residents may do their personal laundry, the laundry area must be arranged to reduce the chances of soiled laundry contaminating clean laundry and equipped with:

(a) A utility sink;

(b) A table or counter for folding clean laundry;

(c) At least one washing machine and one clothes dryer; and

(d) Mechanical ventilation to the exterior.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-145, filed 7/20/05, effective 8/20/05.]

WAC 246-337-150 Resident rooms, furnishings and storage. The RTF shall ensure that residents have an accessible, clean, well-maintained room with sufficient space, light, and comfortable furnishings for sleeping and personal activities including, but not limited to:

(1) Sleeping rooms designed to provide at least a three-foot clear access aisle from the entry door, along at least one side of each bed, and in front of all storage equipment.

(2) If a bunk bed is used, a minimum access aisle of five feet shall be provided along at least one side of the bunk bed.

(3) Room identification and resident capacity per sleeping room consistent with the approved room list and evacuation floor plan.

(4) Direct access to a hallway, living room, lounge, the outside, or other common use area without going through a laundry or utility area, a bath or toilet room, or another resident's bedroom.

(5) Each sleeping room having one or more outside windows that:

(a) Is easily opened if necessary for fire exit or ventilation;

(b) Is marked with a solid color or barriers to prevent residents from accidentally walking into them if clear glass windows or doors extend to the floor;

(c) Has adjustable curtains, shades, blinds, or equivalent installed at the windows for visual privacy; and

(d) Is shatterproof, screened, or of the security type as determined by the resident needs.

(6) Sleeping rooms equipped with:

(a) One or more noncombustible waste containers;

(b) An individual towel and washcloth rack or an equivalent method to provide clean towels and washcloths;

(c) Storage facilities for storing a reasonable quantity of clothing and, when requested by the resident, storage in a lockable drawer, cupboard, locker, or other secure space somewhere in the building;

(d) Furniture appropriate for the age and physical condition of each resident, must be provided, including:

(i) A chair, which may be used in either the bedroom or a group room interchangeably;

(ii) A bed of appropriate size equipped with:

(A) A mattress that is clean, in good repair, and fits the frame;

(B) One or more pillows that are clean, and in good repair for each resident over two and one-half years;

(C) Bedding that includes a tight-fitting sheet or cover for the sleeping surface, and a clean blanket or suitable cover; and

(D) Bedding that is in good repair, changed weekly or more often as necessary to maintain cleanliness;

(iii) A bed thirty-six or more inches wide for adults and appropriate size for children, spaced thirty-six inches apart;

(iv) A single level nonstacking crib, infant bed, bassinet or playpen for children twenty-four months and younger meeting chapter 70.111 RCW, and including:

(A) Sleep equipment having secure latching devices; and

(B) A mattress that is:

(I) Snug-fitting to prevent the infant from becoming entrapped between the mattress and crib side rails;

(II) Waterproof and easily sanitized; and

(III) Free of crib bumpers, stuffed toys or pillows;

(v) A youth bed or regular bed for children twenty-five months and older;

(vi) If bunk beds are used, children six years of age or less are prohibited from utilizing the upper bunk.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-150, filed 7/20/05, effective 8/20/05.]

WAC 246-337-155 Pet management and safety. The licensee must ensure the health and safety of residents and all service animals, therapy animals, and pets when allowed on the premises.

[Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-155, filed 7/20/05, effective 8/20/05.]

WAC 246-337-990 Licensing fees. A licensee must submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/ initial application fee	\$150.00
License bed fee (per bed)	\$139.90
Annual renewal fee (per bed)	\$139.90
Late fee (per bed)	\$25.00 (up to \$500.00)
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	\$1000.00

(1) The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance.

The department shall refund two-thirds of the fees paid, less a fifty dollar processing fee;

(b) The department has received an application and has conducted an on-site survey or provided technical assistance. The department shall refund one-third of the fees paid, less a fifty dollar processing fee.

(2) The department will not refund fees paid by the applicant if:

(a) The department has conducted more than one on-site visit for any purpose;

(b) One year has elapsed since the department received an initial licensure application, and the department has not issued a license because the applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (1)(a) or (b) of this section is ten dollars or less.

[Statutory Authority: RCW 43.70.250. 05-23-099, § 246-337-990, filed 11/17/05, effective 12/18/05. Statutory Authority: Chapter 71.12 RCW. 05-15-157, § 246-337-990, filed 7/20/05, effective 8/20/05.]

Chapter 246-338 WAC MEDICAL TEST SITE RULES

WAC

246-338-010	Definitions.
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WAC 246-338-010 Definitions. For the purposes of this chapter, the following words and phrases have these meanings unless the context clearly indicates otherwise.

(1) "Accreditation organization" means a public or private organization or agency approved by CMS as having standards which are consistent with federal law and regulation, and judged by the department to be equivalent to this chapter.

(2) "Authorized person" means any individual allowed by Washington state law or rule to order tests or receive test results.

(3) "Biannual verification" means a system for verifying the accuracy of test results, at least twice a calendar year, for those tests for which proficiency testing is not required by the department.

(4) "Calibration" means a process of testing and adjusting an instrument, kit, or test system to provide a known relationship between the measurement response and the value of the substance that is being measured by the test procedure.

(5) "Calibration verification" means the assaying of materials of known concentration in the same manner as patient samples to confirm that the calibration of the instrument, kit, or test system has remained stable throughout the laboratory's reportable range for patient test results.

(6) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use.

(7) "Case" means any slide or group of slides, from one patient specimen source, submitted to a medical test site, at

one time, for the purpose of cytological or histological examination.

(8) "CDC" means the federal Centers for Disease Control and Prevention.

(9) "CMS" means the federal Centers for Medicare & Medicaid services.

(10) "CLIA" means Section 353 of the Public Health Service Act, Clinical Laboratory Improvement Amendments of 1988, and regulations implementing the federal amendments, 42 CFR Part 493-Laboratory Requirements in effect on September 22, 2003.

(11) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use.

(12) "Control slide" means a preparation of a material known to produce a specific reaction which is fixed on a glass slide and is used in the process of quality control.

(13) "Days" means calendar days.

(14) "Deemed status" means recognition that the requirements of an accreditation organization have been judged to be equal to, or more stringent than, the requirements of this chapter and the CLIA requirements, and the accreditation organization has agreed to comply with all requirements of this chapter and CLIA.

(15) "Deficiency" means a finding from an inspection or complaint investigation that is not in compliance with this chapter and requires corrective action.

(16) "Department" means the department of health.

(17) "Direct staff time" means all state employees' work time; travel time; telephone contacts and staff or management conferences; and expenses involved with a complaint investigation or an on-site follow-up visit.

(18) "Director," defined as the designated test site supervisor in RCW 70.42.010, means the individual responsible for the technical functions of the medical test site. This person must meet the qualifications for Laboratory Director, listed in 42 CFR Part 493 Subpart M - Personnel for Non-waived Testing.

(19) "Disciplinary action" means license or certificate of waiver denial, suspension, condition, revocation, civil fine, or any combination of the preceding actions, taken by the department against a medical test site.

(20) "Facility" means one or more locations within one campus or complex where tests are performed under one owner.

(21) "Forensic" means investigative testing in which the results are never used for clinical diagnosis, or referral to a health care provider for treatment of an individual.

(22) "HHS" means the federal Department of Health and Human Services.

(23) "High complexity" means a test system, assay, or examination that is categorized under CLIA as a high complexity test.

(24) "May" means permissive or discretionary.

(25) "Medical test site" or "test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A medical test site does not mean:

(a) A facility or site, including a residence, where a test approved for home use by the Federal Food and Drug Administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction; or

(b) A facility or site performing tests solely for forensic purposes.

(26) "Moderate complexity" means a test system, assay, or examination that is categorized under CLIA as a moderate complexity test.

(27) "Must" means compliance is mandatory.

(28) "Nonwaived" means all tests categorized under CLIA as:

(a) Moderate complexity tests, including provider-performed microscopic procedures; or

(b) High complexity tests.

(29) "Owner" means the person, corporation, or entity legally responsible for the business requiring licensure or a certificate of waiver as a medical test site under chapter 70.42 RCW.

(30) "Performance specification" means a value or range of values for a test that describe its accuracy, precision, analytical sensitivity, analytical specificity, reportable range and reference range.

(31) "Person" means any individual, public organization, private organization, agent, agency, corporation, firm, association, partnership, or business.

(32) "Physician" means an individual with a doctor of medicine, doctor of osteopathy, doctor of podiatric medicine, or equivalent degree who is a licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW Podiatric medicine and surgery.

(33) "Provider-performed microscopic procedures" means only those moderate complexity tests listed under WAC 246-338-020 (2)(b)(i) through (x), when the tests are performed in conjunction with a patient's visit by a licensed professional meeting qualifications specified in WAC 246-338-020 (2)(a)(i) through (vi).

(34) "Provisional license" means an interim approval issued by the department to the owner of a medical test site.

(35) "Records" means books, files, reports, or other documentation necessary to show compliance with the quality control and quality assurance requirements under this chapter.

(36) "Reference material" means a material or substance, calibrator, control, or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control.

(37) "Specialty" means a group of similar subspecialties or tests. The specialties for a medical test site are as follows:

(a) Chemistry;

(b) Cytogenetics;

(c) Diagnostic immunology;

(d) Immunohematology;

(e) Hematology;

(f) Histocompatibility;

(g) Microbiology;

(h) Pathology; and

(i) Radiobioassay.

(38) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(39) "Subspecialty" means a group of similar tests. The subspecialties of a specialty for a medical test site are as follows, for:

(a) Chemistry, the subspecialties are routine chemistry, urinalysis, endocrinology, and toxicology;

(b) Diagnostic immunology, the subspecialties are syphilis serology and general immunology;

(c) Immunohematology, the subspecialties are ABO grouping and Rh typing, antibody detection, antibody identification, and compatibility testing;

(d) Hematology, the subspecialties are routine hematology and coagulation;

(e) Microbiology, the subspecialties are bacteriology, mycology, parasitology, virology, and mycobacteriology; and

(f) Pathology, the subspecialties are histopathology (including dermatopathology), diagnostic cytology, and oral pathology.

(40) "Supervision" means authoritative procedural guidance by an individual qualified under 42 CFR Part 493 Subpart M - Personnel for Non-waived Testing, assuming the responsibility for the accomplishment of a function or activity by technical personnel.

(41) "Technical personnel" means individuals employed to perform any test or part of a test.

(42) "Test" means any examination or procedure conducted on a sample taken from the human body.

(43) "Validation inspection" means an on-site inspection by the department of an accredited medical test site to determine that the accreditation organization's regulations are equivalent to this chapter and are enforced.

(44) "Waived test" means a test system that is:

(a) Cleared by the Food and Drug Administration for home use; or

(b) A simple laboratory examination or procedure that has an insignificant risk of an erroneous result.

In order for a test system to be waived, it must be approved for waiver under CLIA.

(45) "Will" means compliance is mandatory.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493. 05-04-040, § 246-338-010, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-010, filed 3/1/00, effective 4/1/00. Statutory Authority: Chapter 70.42 RCW. 94-17-099, § 246-338-010, filed 8/17/94, effective 9/17/94; 93-18-091 (Order 390), § 246-338-010, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-010, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-010, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-010, filed 9/21/90, effective 10/22/90.]

WAC 246-338-028 On-site inspections. (1) The department may conduct an on-site review of a licensee or applicant at any time to determine compliance with chapter 70.42 RCW and this chapter as described in Table 020-1.

(2) The department may at any time examine records of the medical test site to determine compliance with chapter 70.42 RCW and this chapter.

(3) The department will:

(a) Provide written notice of deficiencies to the medical test site; and

(b) Allow the owner a reasonable period of time, not to exceed sixty days after department approval of the written plan of correction, to correct a deficiency unless the deficiency is an immediate threat to public health, safety, or welfare.

(4) The medical test site must:

(a) Present a written plan of correction to the department within fourteen days following the date of postmark of the notice of deficiencies;

(b) Comply with the written plan of correction within a specified time, not to exceed sixty days, after department approval of the written plan of correction which must detail how and when the medical test site will correct the deficiencies;

(c) Submit to inspections by CMS or CMS agents as a condition of licensure for the purpose of validation or in response to a complaint against the medical test site;

(d) Authorize the department to release all records and information requested by CMS to CMS or CMS agents;

(e) Cooperate with any on-site review conducted by the department; and

(f) Authorize the accreditation organization to submit, upon request of the department:

(i) On-site inspection results;

(ii) Reports of deficiencies;

(iii) Plans of corrections for deficiencies cited;

(iv) Any disciplinary or enforcement action taken by the accreditation organization against the medical test site and results of any disciplinary or enforcement action taken by the accreditation organization against the medical test site; and

(v) Any records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493. 05-04-040, § 246-338-028, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060. 01-02-069, § 246-338-028, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-028, filed 3/1/00, effective 4/1/00.]

WAC 246-338-040 Approval of accreditation organizations. (1) The department will recognize the accreditation organizations granted deemed status by CMS.

(2) The CMS-approved accreditation organizations are:

(a) American Association of Blood Banks (AABB);

(b) American Osteopathic Association (AOA);

(c) American Society of Histocompatibility and Immunogenetics (ASHI);

(d) College of American Pathologists (CAP);

(e) COLA; and

(f) Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(3) The accreditation organizations must:

(a) Allow the department to have jurisdiction to investigate complaints, do random on-site validation inspections, and take disciplinary action against a medical test site if indicated;

(b) Notify the department within fifteen days of any medical test site that:

(i) Has had its accreditation withdrawn, revoked, or limited;

(ii) Is sanctioned as a result of a routine inspection or complaint investigation; or

(iii) When adverse action has been taken for unsuccessful proficiency testing performance;

(c) Notify the department within five days of any deficiency that jeopardizes the public health, safety, or welfare; and

(d) Provide the department with a list of inspection schedules, as requested, for the purpose of conducting on-site validation inspections.

(4) The department will:

(a) Revoke deemed status from any organization which has deeming authority removed by CMS; and

(b) Notify the medical test site if approval of an accreditation organization is withdrawn by the department.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493. 05-04-040, § 246-338-040, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-040, filed 3/1/00, effective 4/1/00. Statutory Authority: Chapter 70.42 RCW. 93-18-091 (Order 390), § 246-338-040, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-040, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-040, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-040, filed 9/21/90, effective 10/22/90.]

WAC 246-338-050 Proficiency testing. (1) All licensed medical test sites, excluding those granted a certificate of waiver, must:

(a) Comply with federal proficiency testing requirements listed in 42 CFR Part 493 - Laboratory Requirements, Subparts H and I;

(b) Submit to the department a copy of proficiency testing enrollment confirmation form(s) for the tests the medical test site will perform during the following calendar year, by December 31st of each year; and

(c) Authorize the proficiency testing program to release to the department all data required to determine the medical test site's compliance with this section.

(2) The department will:

(a) Recognize only those proficiency testing programs approved by HHS; and

(b) Furnish, upon request:

(i) A copy of 42 CFR Part 493 Subparts H and I;

(ii) A list of the proficiency testing programs approved by HHS; and

(iii) A list of tests that must be covered by proficiency testing.

(3) The department will evaluate proficiency testing results by using the following criteria:

(a) An evaluation of scores for the last three testing events of proficiency testing samples including:

(i) Tests;

(ii) Subspecialties; and

(iii) Specialties;

(b) Maintenance of a minimum acceptable score of eighty percent for all tests, subspecialties, and specialties except one hundred percent for:

(i) ABO grouping and Rh typing;

(ii) Compatibility testing; and

(iii) Antihuman immunodeficiency virus;

(c) Unsatisfactory performance occurs when:

(i) Unsatisfactory scores are obtained in any specialty or subspecialty in a testing event; or

(ii) An unsatisfactory score is obtained on a single test in a testing event.

(4) Unsatisfactory performance on two of any three successive testing events is considered unsuccessful participation, and will result in the following actions:

(a) The department will mail a letter to the director stating that the medical test site may choose to:

(i) Discontinue patient testing for the identified test, specialty or subspecialty; or

(ii) Follow a directed plan of correction; and

(b) The medical test site must notify the department, within fifteen days of receipt of the notice of the decision to:

(i) Discontinue testing patient specimens for the identified test, subspecialty or specialty; or

(ii) Agree to a directed plan of correction.

(5) Continued unsatisfactory performance for a test, specialty or subspecialty in either of the next two consecutive sets of proficiency testing samples, after completing a directed plan of correction, will result in the following action:

(a) The department will send, by certified mail, a notice to the owner and director of the medical test site to cease performing the identified test, subspecialty, or specialty; and

(b) The owner must notify the department in writing within fifteen days of the receipt of the notice of the decision to voluntarily stop performing tests on patient specimens for the identified test, subspecialty, or specialty.

(6) The owner may petition the department for reinstatement of approval to perform tests on patient specimens after demonstrating satisfactory performance on two successive testing events of proficiency testing samples for the identified test, subspecialty, or specialty.

(7) The department will notify the owner in writing, within fifteen days of receipt of petition, of the decision related to the request for reinstatement.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493. 05-04-040, § 246-338-050, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-050, filed 3/1/00, effective 4/1/00. Statutory Authority: Chapter 70.42 RCW. 94-17-099, § 246-338-050, filed 8/17/94, effective 9/17/94; 93-18-091 (Order 390), § 246-338-050, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-050, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-050, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-050, filed 9/21/90, effective 10/22/90.]

WAC 246-338-060 Personnel. (1) Medical test site owners must:

(a) Have a director responsible for the overall technical supervision and management of the test site personnel including oversight of the performance of test procedures and reporting of test results;

(b) Have technical personnel, competent to perform tests and report test results; and

(c) Meet the standards for personnel qualifications and responsibilities in compliance with federal regulation, as listed in 42 CFR Part 493 Subpart M - Personnel for Non-waived Testing.

(2) The department will furnish a copy of 42 CFR Part 493 Subpart M upon request.

(3) Medical test site directors must:

- (a) Establish and approve policies for:
 - (i) Performing, recording, and reporting of tests;
 - (ii) Maintaining an ongoing quality assurance program;
 - (iii) Supervision of testing; and
 - (iv) Compliance with chapter 70.42 RCW and this chapter;

(b) Evaluate, verify, and document the following related to technical personnel:

- (i) Education, experience, and training in test performance and reporting test results;
- (ii) Sufficient numbers to cover the scope and complexity of the services provided;
- (iii) Access to training appropriate for the type and complexity of the test site services offered; and
- (iv) Maintenance of competency to perform test procedures and report test results;

(c) Be present, on call, or delegate the duties of the director to an on-site technical person during testing.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493, 05-04-040, § 246-338-060, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060, 01-02-069, § 246-338-060, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW, 00-06-079, § 246-338-060, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 70.42.005, 97-14-113, § 246-338-060, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW, 93-18-091 (Order 390), § 246-338-060, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-060, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-338-060, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW, 90-20-017 (Order 090), § 248-38-060, filed 9/21/90, effective 10/22/90.]

WAC 246-338-070 Records. Medical test sites must maintain records as described in this section.

(1) REQUISITIONS must include the following information, in written or electronic form:

- (a) Patient name, identification number, or other method of patient identification;
- (b) Name and address or other suitable identifiers of the authorized person ordering the test;
- (c) Date of specimen collection, and time, if appropriate;
- (d) Source of specimen, if appropriate;
- (e) Type of test ordered;
- (f) Sex, and age or date of birth, of the patient; and
- (g) For cytology and histopathology specimens:
 - (i) Pertinent clinical information; and
 - (ii) For Pap smears:
 - (A) Date of last menstrual period; and
 - (B) Indication whether the patient had a previous abnormal report, treatment, or biopsy.

(2) TEST RECORD SYSTEMS must:

- (a) Consist of instrument printouts, worksheets, accession logs, corrective action logs, and other records that ensure reliable identification of patient specimens as they are processed and tested to assure that accurate test results are reported; and

(b) Include:

- (i) The patient's name or other method of specimen identification;
- (ii) The date and time the specimen was received;
- (iii) The reason for specimen rejection or limitation;
- (iv) The date of specimen testing; and
- (v) The identification of the personnel who performed the test.

(3) TEST REPORTS must:

- (a) Be maintained in a manner permitting identification and reasonable accessibility;
- (b) Be released only to authorized persons or designees;
- (c) Include:
 - (i) Name and address of the medical test site, or where applicable, the name and address of each medical test site performing each test;
 - (ii) Patient's name and identification number, or a unique patient identifier and identification number;
 - (iii) Date reported;
 - (iv) Time reported, if appropriate;
 - (v) Specimen source, when appropriate, and any information regarding specimen rejection or limitation; and
 - (vi) Name of the test performed, test result, and units of measurement, if applicable.

(4) CYTOLOGY REPORTS must:

- (a) Distinguish between unsatisfactory specimens and negative results;
- (b) Provide narrative descriptions for any abnormal results, such as the 2001 Bethesda system of terminology as published in the Journal of the American Medical Association, 2002, Volume 287, pages 2114-2119; and

(c) Include the signature or initials of the technical supervisor, or an electronic signature authorized by the technical supervisor, for nongynecological preparations and gynecological preparations interpreted to be showing reactive or reparative changes, atypical squamous or glandular cells of undetermined significance, or to be in the premalignant (dysplasia, cervical intraepithelial neoplasia or all squamous intraepithelial neoplasia lesions including human papillomavirus-associated changes) or malignant category.

(5) HISTOPATHOLOGY REPORTS must include the signature or initials of the technical supervisor or an electronic signature authorized by the technical supervisor on all reports.

(6) CYTOGENETICS REPORTS must:

- (a) Use the International System for Human Cytogenetic Nomenclature on final reports;
- (b) Include the number of cells counted and analyzed; and
- (c) Include a summary and interpretation of the observations.

(7) If a specimen is referred to another laboratory for testing, the medical test site must:

(a) Report the essential elements of the referred test results without alterations that could affect the clinical interpretation of the results; and

(b) Retain or be able to produce an exact duplicate of each testing report from the referral laboratory.

(8) The medical test site must retain records, slides, and tissues as described in Table 070-1, under storage conditions that ensure proper preservation.

(9) If the medical test site ceases operation, it must make provisions to ensure that all records and, as applicable, slides, blocks and tissue are retained and available for the time frames specified in Table 070-1.

Table 070-1 Record/Slide/Tissue Retention Schedule

	Two Years	Five Years	Ten Years
(a) General Requirements for all Laboratory Specialties	<ul style="list-style-type: none"> • Test requisitions or equivalent; • Test records, including instrument printouts if applicable; • Test reports; • Quality control records; • Quality assurance records; • Proficiency testing records; • Hard copy of report, or ability to reproduce a copy, for all specimens referred for testing; and • Discontinued procedures for all specialty areas 		
(b) Transfusion Services*		<ul style="list-style-type: none"> • Test requisitions or equivalent; • Test records; • Test reports; • Quality control records; and • Quality assurance records 	
(c) Cytology		<ul style="list-style-type: none"> • All cytology slides, from date of examination of the slide 	<ul style="list-style-type: none"> • All cytology reports
(d) Histopathology/Oral Pathology	<ul style="list-style-type: none"> • Specimen blocks, from date of examination 		<ul style="list-style-type: none"> • All histopathology and oral pathology reports; and • Stained slides, from date of examination of the slide
(e) Histopathology/Oral Pathology-Tissues	Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed		
(f) Instrument/method Validation Studies	For life of instrument/method plus two years		

* Must be retained for no less than five years in accordance with 21 CFR 606.160(d).

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493. 05-04-040, § 246-338-070, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060, 01-02-069, § 246-338-070, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-070, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 70.42.005, 97-14-113, § 246-338-070, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW. 93-18-091 (Order 390), § 246-338-070, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-070, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-338-070, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-070, filed 9/21/90, effective 10/22/90.]

WAC 246-338-080 Quality assurance. Each medical test site performing moderate complexity (including PPMP) or high complexity testing, or any combination of these tests, must establish and follow written policies and procedures for a comprehensive quality assurance program. The quality assurance program must be designed to monitor and evaluate the ongoing and overall quality of the total testing process (preanalytic, analytic, postanalytic). The medical test site's quality assurance program must evaluate the effectiveness of its policies and procedures; identify and correct problems; assure the accurate, reliable, and prompt reporting of test results; and assure the adequacy and competency of the staff.

As necessary, the medical test site must revise policies and procedures based upon the results of those evaluations. The medical test site must meet the standards as they apply to the services offered, complexity of testing performed and test results reported, and the unique practices of each testing entity. All quality assurance activities must be documented.

(1) The medical test site must establish and implement a written quality assurance plan, including policies and procedures, designed to:

(a) Monitor, evaluate, and review quality control data, proficiency testing results, and test results, including biannual verification of:

- (i) Accuracy of test results for:
 - (A) Tests that are not covered by proficiency testing;
 - (B) Tests that are covered by proficiency testing but have unsatisfactory scores, are not scored by the proficiency testing program, or where scoring does not reflect actual test performance (e.g., the proficiency testing program does not obtain the agreement required for scoring); and
- (ii) Relationship between test results when the medical test site performs the same test on different instruments or at different locations within the medical test site;
 - (b) Identify and correct problems;
 - (c) Establish and maintain accurate, reliable, and prompt reporting of test results;
 - (d) Verify all tests performed and reported by the medical test site conform to specified performance criteria in quality control under WAC 246-338-090;
 - (e) Establish and maintain the adequacy and competency of the technical personnel; and
 - (f) Establish and follow written policies and procedures that ensure positive identification and optimum integrity of a patient's specimen from the time of collection or receipt of the specimen through completion of testing and reporting of results.
- (2) The quality assurance plan must include mechanisms or systems to:
 - (a) Establish and apply criteria for specimen acceptance and rejection;
 - (b) Notify the appropriate individuals as soon as possible when test results indicate potential life-threatening conditions;
 - (c) Assess problems identified during quality assurance reviews and discuss them with the appropriate staff;
 - (d) Evaluate all test reporting systems to verify accurate and reliable reporting, transmittal, storage, and retrieval of data;
 - (e) Document all action taken to identify and correct problems or potential problems;
 - (f) Issue corrected reports when indicated;
 - (g) Provide appropriate instructions for specimen collection, handling, preservation, and transportation;
 - (h) Ensure that specimens are properly labeled, including patient name or unique patient identifier and, when appropriate, specimen source;
 - (i) Ensure confidentiality of patient information throughout all phases of the testing process; and
 - (j) Provide clients updates of testing changes that would affect test results or the interpretation of test results.
- (3) The medical test site must establish criteria for and maintain appropriate documentation of any remedial action taken in response to quality control, quality assurance, personnel, proficiency testing, and transfusion reaction investigations.
- (4) When results of control or calibration materials fail to meet the established criteria for acceptability, the medical test site must have a system in place to determine if patient test results have been adversely affected. The system must include:
 - (a) A review of all patient test results obtained in the unacceptable test run; and
 - (b) A review of all patient test results since the last acceptable test run.

- (5) The medical test site must have a system in place to assure:
 - (a) All complaints and problems reported to the medical test site are documented and investigated when appropriate; and
 - (b) Corrective actions are instituted as necessary.
- (6) The owner must:
 - (a) Maintain adequate space, facilities, and essential utilities for the performance and reporting of tests;
 - (b) Ensure that molecular amplification procedures that are not contained in closed systems have a unidirectional workflow. This must include separate areas for specimen preparation, amplification and production detection, and as applicable, reagent preparation;
 - (c) Establish, make accessible, and observe safety precautions to ensure protection from physical, chemical, biochemical, and electrical hazards and biohazards; and
 - (d) Establish and implement policies and procedures for infectious and hazardous medical wastes consistent with local, state, and federal authorities.
- (7) Information that must be available to authorized persons ordering or utilizing the test results includes:
 - (a) A list of test methods, including performance specifications;
 - (b) Reference ranges; and
 - (c) Test method limitations.
- (8) If the medical test site refers specimens to another site for testing, the site to which specimens are referred must have a valid medical test site license or meet equivalent requirements as determined by CMS.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493. 05-04-040, § 246-338-080, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-080, filed 3/1/00, effective 4/1/00. Statutory Authority: Chapter 70.42 RCW. 93-18-091 (Order 390), § 246-338-080, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-080, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-080, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-080, filed 9/21/90, effective 10/22/90.]

WAC 246-338-090 Quality control. The medical test site must use quality control procedures, providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

- (1) The medical test site must have written procedures and policies available in the work area for:
 - (a) Analytical methods used by the technical personnel including:
 - (i) Principle;
 - (ii) Specimen collection and processing procedures;
 - (iii) Equipment/reagent/supplies required;
 - (iv) Preparation of solutions, reagents, and stains;
 - (v) Test methodology;
 - (vi) Quality control procedures;
 - (vii) Procedures for reporting results (normal, abnormal, and critical values);
 - (viii) Reference range;
 - (ix) Troubleshooting guidelines - limitations of methodology;
 - (x) Calibration procedures; and
 - (xi) Pertinent literature references; and

(b) Alternative or backup methods for performing tests including the use of a reference facility if applicable.

(2) The medical test site must establish written criteria for and maintain appropriate documentation of:

- (a) Temperature-controlled spaces and equipment;
- (b) Preventive maintenance activities;
- (c) Equipment function checks;
- (d) Procedure calibrations; and
- (e) Method/instrument validation procedures.

(3) The medical test site must maintain documentation of:

(a) Expiration date, lot numbers, and other pertinent information for:

- (i) Reagents;
- (ii) Solutions;
- (iii) Culture media;
- (iv) Controls;
- (v) Calibrators;
- (vi) Standards;
- (vii) Reference materials; and
- (viii) Other testing materials; and
- (b) Testing of quality control samples.

(4) For **quantitative tests**, the medical test site must perform quality control as follows:

(a) Include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or

(b) Follow an equivalent quality testing procedure that meets federal CLIA regulations.

(5) For **qualitative tests**, the medical test site must perform quality control as follows:

(a) Use positive and negative reference material each day of testing unknown samples; or

(b) Follow an equivalent quality testing procedure that meets federal CLIA regulations.

(6) The medical test site must:

(a) Use materials within their documented expiration date;

(b) Not interchange components of kits with different lot numbers, unless specified by the manufacturer;

(c) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;

(d) Use the manufacturer's reference material limits for assayed material, provided they are:

- (i) Verified by the medical test site; and
- (ii) Appropriate for the methods and instrument used by the medical test site;

(e) Make reference material limits readily available;

(f) Report patient results only when reference materials are within acceptable limits; and

(g) Rotate control material testing among all persons who perform the test;

(h) Use calibration material from a different lot number than that used to establish a cut-off value or to calibrate the test system, if using calibration material as a control material; and

(i) Comply with general quality control requirements as described in Table 090-1, unless otherwise specified in subsection (9)(a) through (l) of this section.

(7) The medical test site must perform, when applicable:

(a) Calibration and calibration verification for **moderate and high complexity testing** as described in Table 090-2;

(b) Validation for **moderate complexity testing** by verifying the following performance characteristics when the medical test site introduces a new procedure classified as moderate complexity:

- (i) Accuracy;
- (ii) Precision;
- (iii) Reportable range of patient test results; and
- (iv) If using the reference range provided by the manufacturer, that it is appropriate for the patient population;

(c) Validation for **high complexity testing**:

(i) When the medical test site introduces a new procedure classified as high complexity;

(ii) For each method that is developed in-house, is a modification of the manufacturer's test procedure, or is an instrument, kit or test system that has not been cleared by FDA; and

(iii) By verifying the following performance characteristics:

- (A) Accuracy;
- (B) Precision;
- (C) Analytical sensitivity;
- (D) Analytical specificity to include interfering substances;
- (E) Reference ranges (normal values);
- (F) Reportable range of patient test results; and
- (G) Any other performance characteristic required for test performance.

(8) When patient values are above the maximum or below the minimum calibration point or the reportable range, the medical test site must:

(a) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or

(b) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range.

Table 090-1 General Quality Control Requirements

	Control Material	Frequency
(a)	Each batch or shipment of reagents, discs, antisera, and identification systems	<ul style="list-style-type: none">• Appropriate control materials for positive and negative reactivity <ul style="list-style-type: none">• When prepared or opened, unless otherwise specified
(b)	Each batch or shipment of stains	<ul style="list-style-type: none">• Appropriate control materials for positive and negative reactivity <ul style="list-style-type: none">• When prepared or opened; and• Each day of use, unless otherwise specified
(c)	Fluorescent and immunohistochemical stains	<ul style="list-style-type: none">• Appropriate control materials for positive and negative reactivity <ul style="list-style-type: none">• Each time of use, unless otherwise specified

	Control Material	Frequency
(d) Quality control for each specialty and subspecialty	<ul style="list-style-type: none"> • Appropriate control materials; or • Equivalent mechanism to assure the quality, accuracy, and precision of the test if reference materials are not available 	<ul style="list-style-type: none"> • At least as frequently as specified in this section; • More frequently if recommended by the manufacturer of the instrument or test procedure; or • More frequently if specified by the medical test site
(e) Direct antigen detection systems without procedural controls	<ul style="list-style-type: none"> • Positive and negative controls that evaluate both the extraction and reaction phase 	<ul style="list-style-type: none"> • Each batch, shipment, and new lot number; and • Each day of use

Table 090-2 Calibration and Calibration Verification—Moderate and High Complexity Testing

	Calibration Material	Frequency
CALIBRATION	<ul style="list-style-type: none"> • Calibration materials appropriate for methodology 	<ul style="list-style-type: none"> • Initial on-site installation/implementation of instrument/method; • At the frequency recommended by the manufacturer; and • Whenever calibration verification fails to meet the medical test site's acceptable limits for calibration verification.
CALIBRATION VERIFICATION	<ul style="list-style-type: none"> • Use assayed material, if available, at the lower, mid-point, and upper limits of procedure's reportable range; or • Demonstrate alternate method of assuring accuracy at the lower, mid-point, and upper limits of procedure's reportable range 	<ul style="list-style-type: none"> • At least every six months; • When there is a complete change of reagents (i.e., new lot number or different manufacturer) is introduced; • When major preventive maintenance is performed or there is a replacement of critical parts of equipment; or • When controls are outside of the medical test site's acceptable limits or exhibit trends.

(9) The medical test site must perform quality control procedures as described for each specialty and subspecialty in (a) through (l) of this subsection.

(a) **Chemistry.**

Perform quality control procedures for chemistry as described in Table 090-3 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-3 Quality Control Procedures—Chemistry

Subspecialty/Test	Qualitative		Quantitative	
	Control Material	Frequency	Control Material	Frequency
Routine Chemistry	<ul style="list-style-type: none"> • Positive and negative reference material 	<ul style="list-style-type: none"> • Each day of use 	<ul style="list-style-type: none"> • Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> • Each day of use
Toxicology				
<ul style="list-style-type: none"> • GC/MS for drug screening • Urine drug screen 	<ul style="list-style-type: none"> • Analyte-specific control • Positive control containing at least one drug representative of each drug class to be reported; must go through each phase of use including extraction 	<ul style="list-style-type: none"> • With each run of patient specimens • With each run of patient specimens 	<ul style="list-style-type: none"> • Analyte-specific control 	<ul style="list-style-type: none"> • With each analytical run
Urinalysis				
<ul style="list-style-type: none"> • Nonwaived instrument • Refractometer for specific gravity 			<ul style="list-style-type: none"> • Two levels of control material • Calibrate to zero with distilled water • One level of control material 	<ul style="list-style-type: none"> • Each day of use • Each day of use

Subspecialty/Test	Qualitative		Quantitative	
	Control Material	Frequency	Control Material	Frequency
Blood Gas Analysis			<ul style="list-style-type: none"> • Calibration • One level of control material • One-point calibration or one control material 	<ul style="list-style-type: none"> • Follow manufacturer's specifications and frequency • Each eight hours of testing, using both low and high values on each day of testing • Each time patient specimen is tested, unless automated instrument internally verifies calibration every thirty minutes
Electrophoresis	<ul style="list-style-type: none"> • One control containing fractions representative of those routinely reported in patient specimens 	<ul style="list-style-type: none"> • In each electrophoretic cell 	<ul style="list-style-type: none"> • One control containing fractions representative of those routinely reported in patient specimens 	<ul style="list-style-type: none"> • In each electrophoretic cell

(b) Hematology.

- (i) Run patient and quality control samples in duplicate for manual cell counts;
(ii) If reference material is unavailable, document the mechanism used to assure the quality, accuracy, and precision of the test; and
(iii) Perform quality control procedures for hematology as described in Table 090-4 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-4 Quality Control Procedures—Hematology

	Control Material	Frequency
Automated	<ul style="list-style-type: none"> • Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> • Each day that patient samples are tested
Manual Blood Counts	<ul style="list-style-type: none"> • One level of reference material 	<ul style="list-style-type: none"> • Every eight hours that patient samples are tested
Qualitative Tests	<ul style="list-style-type: none"> • Positive and negative reference material 	<ul style="list-style-type: none"> • Each day of testing

(c) Coagulation.

- (i) Run patient and quality control samples in duplicate for manual coagulation test (tilt tube);
(ii) If reference material is unavailable, document the mechanism used to assure the quality, accuracy, and precision of the test; and
(iii) Perform quality control procedures for coagulation as described in Table 090-5 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-5 Quality Control Procedures—Coagulation

	Control Material	Frequency
Automated	<ul style="list-style-type: none"> • Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> • Every eight hours that patient samples are tested; and • Each time reagents are changed
Manual Tilt Tube Method	<ul style="list-style-type: none"> • Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> • Every eight hours that patient samples are tested; and • Each time reagents are changed

(d) General immunology.

- (i) Employ reference materials for all test components to ensure reactivity;
(ii) Report test results only when the predetermined reactivity pattern of the reference material is observed; and
(iii) Perform quality control procedures for general immunology as described in Table 090-6 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-6 Quality Control Procedures—General Immunology

	Control Material	Frequency
Serologic tests on unknown specimens	<ul style="list-style-type: none"> • Positive and negative reference material 	<ul style="list-style-type: none"> • Each day of testing

Control Material		Frequency
Kits with procedural (internal) controls	<ul style="list-style-type: none"> Positive and negative reference material (external controls) Procedural (internal) controls 	<ul style="list-style-type: none"> When kit is opened; and Each day of testing, or follow an equivalent quality testing procedure that meets federal CLIA regulations Each time patient sample is tested
<p>(e) Syphilis serology.</p> <p>(i) Use equipment, glassware, reagents, controls, and techniques that conform to manufacturer's specifications;</p> <p>(ii) Employ reference materials for all test components to ensure reactivity; and</p> <p>(iii) Perform serologic tests on unknown specimens each day of testing with a positive serum reference material with known titer or graded reactivity and a negative reference material.</p> <p>(f) Microbiology.</p> <p>(i) Have available and use:</p> <p>(A) Appropriate stock organisms for quality control purposes; and</p> <p>(B) A collection of slides, photographs, gross specimens, or text books for reference sources to aid in identification of microorganisms;</p> <p>(ii) Document all steps (reactions) used in the identification of microorganisms on patient specimens;</p> <p>(iii) For antimicrobial susceptibility testing:</p> <p>(A) Record zone sizes or minimum inhibitory concentration for reference organisms; and</p> <p>(B) Zone sizes or minimum inhibitory concentration for reference organisms must be within established limits before reporting patient results; and</p>		
<p>(C) Perform quality control on antimicrobial susceptibility testing media as described in Table 090-8;</p> <p>(iv) For noncommercial media, check each batch or shipment for sterility, ability to support growth and, if appropriate, selectivity, inhibition, or biochemical response;</p> <p>(v) For commercial media:</p> <p>(A) Verify that the product insert specifies that the quality control checks meet the requirements for media quality control as outlined by the NCCLS, Quality Assurance for Commercially Prepared Microbiological Culture Media-Second Edition; Approved Standard (1996);</p> <p>(B) Keep records of the manufacturer's quality control results;</p> <p>(C) Document visual inspection of the media for proper filling of the plate, temperature or shipment damage, and contamination before use; and</p> <p>(D) Follow the manufacturer's specifications for using the media; and</p> <p>(vi) For microbiology subspecialties:</p> <p>(A) Bacteriology: Perform quality control procedures for bacteriology as described in Tables 090-7 and 090-8.</p>		

Table 090-7 Quality Control Procedures—Bacteriology

Control Material		Frequency
Reagents, disks, and identification systems	<ul style="list-style-type: none"> Positive and negative reference organisms, unless otherwise specified 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number unless otherwise specified
Catalase, coagulase, oxidase, and Beta-lactamase Cefinase™ reagents		
Bacitracin, optochin, ONPG, X and V disks or strips		
Stains, unless otherwise specified; DNA probes; and all beta-lactamase methods other than Cefinase™	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of use
Fluorescent stains	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each time of use
Gram stains	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each week of use
Direct antigen detection systems without procedural controls	<ul style="list-style-type: none"> Positive and negative controls that evaluate both the extraction and reaction phase 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of use
Test kits with procedural (internal) controls	<ul style="list-style-type: none"> Positive and negative reference material (external) controls Procedural (internal) controls 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of testing, or follow an equivalent quality testing procedure that meets federal CLIA regulations Each time patient sample is tested
Antisera	<ul style="list-style-type: none"> Positive and negative reference material 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Every six months

Table 090-8 Quality Control Procedures—Bacteriology - Media for Antimicrobial Susceptibility Testing

	Control Material	Frequency
Check each new batch of media and each new lot of antimicrobial disks or other testing systems (MIC)	<ul style="list-style-type: none"> Approved reference organisms (ATCC organisms) 	<ul style="list-style-type: none"> Before initial use and each day of testing; or May be done weekly if the medical test site can meet the quality control requirements for antimicrobial disk susceptibility testing as outlined by NCCLS Performance Standards for Antimicrobial Disk Susceptibility Tests-Eighth Edition; Approved Standard (2003)

(B) **Mycobacteriology:** Perform quality control procedures for mycobacteriology as described in Table 090-9.

Table 090-9 Quality Control Procedures—Mycobacteriology

	Control Material	Frequency
All reagents or test procedures used for mycobacteria identification unless otherwise specified	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and an acid-fast organism that produces a negative reaction 	<ul style="list-style-type: none"> Each day of use
Acid-fast stains	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and an organism that produces a negative reaction 	<ul style="list-style-type: none"> Each day of use
Fluorochrome acid-fast stains	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and an acid-fast organism that produces a negative reaction 	<ul style="list-style-type: none"> Each time of use
Susceptibility tests performed on <i>Mycobacterium tuberculosis</i> isolates	<ul style="list-style-type: none"> Appropriate control organism(s) 	<ul style="list-style-type: none"> Each batch of media, and each lot number and shipment of antimycobacterial agent(s) before, or concurrent with, initial use Each week of use

(C) **Mycology:** Perform quality control procedures for mycology as described in Table 090-10.

Table 090-10 Quality Control Procedures—Mycology

	Control Material	Frequency
Susceptibility tests: Each drug NOTE: Establish control limits and criteria for acceptable control results prior to reporting patient results	<ul style="list-style-type: none"> One control strain that is susceptible to the drug 	<ul style="list-style-type: none"> Each day of use
Lactophenol cotton blue stain	<ul style="list-style-type: none"> Appropriate control organism(s) 	<ul style="list-style-type: none"> Each batch or shipment and each lot number
Acid-fast stains	<ul style="list-style-type: none"> Organisms that produce positive and negative reactions 	<ul style="list-style-type: none"> Each day of use
Reagents for biochemical and other identification test procedures	<ul style="list-style-type: none"> Appropriate control organism(s) 	<ul style="list-style-type: none"> Each batch or shipment and each lot number
Commercial identification systems utilizing two or more substrates	<ul style="list-style-type: none"> Organisms that verify positive and negative reactivity of each media type 	<ul style="list-style-type: none"> Each batch or shipment and each lot number

(D) Parasitology:

(I) Have available and use:

- Reference collection of slides or photographs and, if available, gross specimens for parasite identification; and
- Calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter.

(II) Check permanent stains each month of use with reference materials.

(E) Virology:

(I) Have available:

- Host systems for isolation of viruses; and
- Test methods for identification of viruses that cover the entire range of viruses that are etiologically related to the clinical diseases for which services are offered; and

(II) Simultaneously culture uninoculated cells or cell substrate as a negative control when performing virus identification.

(g) **Histopathology:** Include a control slide of known reactivity with each slide or group of slides for differential or special stains and document reactions.

(h) **Cytology.**

(i) Processing specimens:

(A) Stain all gynecological smears using a Papanicolaou or a modified Papanicolaou staining method;

(B) Have methods to prevent cross-contamination between gynecologic and nongynecologic specimens during the staining process; and

(C) Stain nongynecological specimens that have a high potential for cross-contamination separately from other nongynecological specimens, and filter or change the stains following staining.

(ii) Performing specimen examinations:

(A) All cytology preparations must be evaluated on the premises of the medical test site;

(B) Technical personnel must examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides (one patient specimen per slide; gynecologic, nongynecologic, or both) in a twenty-four-hour period and in no less than an eight-hour work period;

(C) Previously examined negative, reactive, reparative, atypical, premalignant or malignant gynecological cases and previously examined nongynecologic cytology preparations and tissue pathology slides examined by a technical supervisor are not included in the one hundred slide limit;

(D) Each nongynecologic slide preparation made using liquid-based slide preparatory techniques that result in cell dispersion over one-half or less of the total available slide may be counted as one-half slide; and

(E) Records of the total number of slides examined by each individual at all sites during each twenty-four-hour period must be maintained.

(iii) Establish and implement a quality assurance program that ensures:

(A) There is criteria for submission of material;

(B) All providers submitting specimens are informed of these criteria;

(C) All samples submitted are assessed for adequacy;

(D) Records of initial examinations and rescreening results are available and documented;

(E) Rescreening of benign gynecological slides is:

(I) Performed by an individual who meets the personnel requirements for technical or general supervisor in cytology as defined under 42 CFR Part 493 Subpart M;

(II) Completed before reporting patient results on those selected cases;

(III) Performed and documented on:

- No less than ten percent of the benign gynecological slides; and

- Includes cases selected at random from the total case-load and from patients or groups of patients that are identified as having a high probability of developing cervical cancer, based on available patient information;

(F) The technical supervisor:

(I) Confirms all gynecological smears interpreted to be showing reactive or reparative changes, atypical squamous or glandular cells of undetermined significance, or to be in the premalignant (dysplasia, cervical intraepithelial neoplasia or all squamous intraepithelial neoplasia lesions including

human papillomavirus-associated changes) or malignant category;

(II) Reviews all nongynecological cytological preparations; and

(III) Establishes, documents, and reassesses, at least every six months, the workload limits for each cytotechnologist;

(G) All cytology reports with a diagnosis of high-grade squamous intraepithelial lesion (HSIL), adenocarcinoma, or other malignant neoplasms are correlated with prior cytology reports and with histopathology reports if available, and the causes of any discrepancies are determined;

(H) Review of all normal or negative gynecological specimens received within the previous five years, if available in the laboratory system, or records of previous reviews, for each patient with a current high grade intraepithelial lesion or moderate dysplasia of CIN-2 or above;

(I) Notification of the patient's physician if significant discrepancies are found that would affect patient care and issuance of an amended report;

(J) An annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison, and number of cases where rescreen of negative slides resulted in reclassification as abnormal; and

(K) Evaluation and documentation of the performance of each individual examining slides against the medical test site's overall statistical values, with documentation of any discrepancies, including reasons for the deviation and corrective action, if appropriate.

(i) **Immunohematology/transfusion services.**

(i) Perform ABO grouping, Rh (D) typing, antibody detection and identification, and compatibility testing as described by the Food and Drug Administration (FDA) under 21 CFR Parts 606 and 640.

(A) Perform ABO grouping:

(I) By concurrently testing unknown red cells with FDA approved anti-A and anti-B grouping sera;

(II) Confirm ABO grouping of unknown serum with known A1 and B red cells;

(B) Perform Rh (D) typing by testing unknown red cells with anti-D (anti-Rh) blood grouping serum; and

(C) Perform quality control procedures for immunohematology as described in Table 090-11.

(ii) Blood and blood products:

(A) Collecting, processing, and distributing:

(I) Must comply with FDA requirements listed under 21 CFR Parts 606, 610.40, 610.53, and 640; and

(II) Must establish, document, and follow policies to ensure positive identification of a blood or blood product recipient.

(B) Labeling and dating must comply with FDA requirements listed under 21 CFR 606 Subpart G, and 610.53.

(C) Storing:

(I) There must be an adequate temperature alarm system that is regularly inspected.

(II) The system must have an audible alarm system that monitors proper blood and blood product storage temperature over a twenty-four-hour period.

(III) High and low temperature checks of the alarm system must be documented.

(D) Collection of heterologous or autologous blood products on-site:

(I) Must register with the FDA; and

(II) Have a current copy of the form FDA 2830 "Blood Establishment Registration and Product Listing."

(iii) Must have an agreement approved by the director for procurement, transfer, and availability to receive products from outside entities.

(iv) Promptly investigate transfusion reactions according to established procedures, and take any necessary remedial action.

Table 090-11 Quality Control Procedures—Immunohematology

Reagent	Control Material	Frequency
ABO antisera	• Positive control	• Each day of use
Rh antisera	• Positive and negative controls	• Each day of use
	• Patient control to detect false positive Rh test results	• When required by the manufacturer
Other antisera	• Positive and negative controls	• Each day of use
ABO reagent red cells	• Positive control	• Each day of use
Antibody screening cells	• Positive control using at least one known antibody	• Each day of use

(j) Histocompatibility.

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter; and

(ii) Meet the standards for histocompatibility as listed in 42 CFR Part 493.1278, Standard: Histocompatibility, available from the department upon request.

(k) Cytogenetics.

(i) Document:

(A) Number of metaphase chromosome spreads and cells counted and karyotyped;

(B) Number of chromosomes counted for each metaphase spread;

(C) Media used;

(D) Reactions observed;

(E) Quality of banding; and

(F) Sufficient resolution appropriate for the type of tissue or specimen and the type of study required based on the clinical information provided;

(ii) Assure an adequate number of karyotypes are prepared for each patient according to the indication given for performing cytogenetics study;

(iii) Use an adequate patient identification system for:

(A) Patient specimens;

(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;

(C) Slides; and

(D) Records; and

(iv) Perform full chromosome analysis for determination of sex.

(l) Radiobioassay and radioimmunoassay.

(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and

(ii) Meet Washington state radiation standards described under chapter 70.98 RCW and chapters 246-220, 246-221, 246-222, 246-232, 246-233, 246-235, 246-239, 246-247, 246-249, and 246-254 WAC.

[Statutory Authority: RCW 70.42.005 and 42 C.F.R. Part 493.05-04-040, § 246-338-090, filed 1/27/05, effective 3/19/05. Statutory Authority: RCW 70.42.005, 70.42.060, 01-02-069, § 246-338-090, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 70.42.005, 70.42.060 and chapter 70.42 RCW. 00-06-079, § 246-338-090, filed 3/1/00, effective 4/1/00. Statutory

Authority: RCW 70.42.005, 97-14-113, § 246-338-090, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW, 93-18-091 (Order 390), § 246-338-090, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-090, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-338-090, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW, 90-20-017 (Order 090), § 248-38-090, filed 9/21/90, effective 10/22/90.]

Chapter 246-360 WAC

TRANSIENT ACCOMMODATIONS

WAC

246-360-990 Fees.

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	\$ 158.80
11 - 49	\$ 315.70
50 - over	\$ 635.60

(b) A late fee of fifty-two dollars and ninety cents, in addition to the full license renewal fee, if the full license renewal fee is not received by the department on the expiration date (see RCW 70.62.260);

(c) An additional fee of fifty-two dollars and ninety cents for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

Fee

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

[Statutory Authority: RCW 43.70.250. 05-13-189, § 246-360-990, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 70.62.260. 05-05-072, § 246-360-990, filed 2/15/05, effective 3/18/05. Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470. 04-19-141, § 246-360-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 2002 c 371. 02-18-115, § 246-360-990, filed 9/4/02, effective 10/5/02. Statutory Authority: RCW 70.62.220, 43.70.110 and 43.70.250. 01-15-093, § 246-360-990, filed 7/18/01, effective 8/18/01; 99-23-015, § 246-360-990, filed 11/5/99, effective 12/6/99. Statutory Authority: RCW 43.70.110 and 43.70.250. 94-21-016, § 246-360-990, filed 10/6/94, effective 11/6/94. Statutory Authority: RCW 70.62.220, 70.62.230 and 43.70.250. 92-21-089 (Order 312), § 246-360-990, filed 10/21/92, effective 11/21/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-360-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-17-045 (Order 2524), § 440-44-075, filed 8/17/87; 85-12-029 (Order 2236), § 440-44-075, filed 5/31/85. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-075, filed 6/4/82.]

Chapter 246-380 WAC

STATE INSTITUTIONAL SURVEY PROGRAM

WAC

246-380-990 Fees.

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

	Fee
(1) Food Service	
(a) As defined in WAC 246-215-011(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system.	\$583.60
(b) Food service establishments or concessions that do not prepare potentially hazardous foods.	\$292.80
(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.	

(2) State institutions or facilities.

- (a) Institutions or facilities operating a food service: The annual fee shall be nine dollars and twenty-five cents times the population count plus five hundred eighty-three dollars and sixty cents. The population count shall mean the average daily population for the past twelve months (January through December).
- (b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars and twenty-five cents times the population count.
- (c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.

[Statutory Authority: RCW 43.70.250. 05-13-189, § 246-380-990, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-380-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250 and 2002 c 371. 02-20-040, § 246-380-990, filed 9/24/02, effective 11/1/02. Statutory Authority: RCW 43.20B.020. 91-21-075 (Order 204), § 246-380-990, filed 10/18/91, effective 11/18/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-380-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-14-066 (Order 2493), § 440-44-076, filed 7/1/87; 85-13-007 (Order 2238), § 440-44-076, filed 6/7/85.]

Chapter 246-564 WAC

VOLUNTEER RETIRED PROVIDER MALPRACTICE INSURANCE PROGRAM

WAC

246-564-001 Purpose.
246-564-010 Qualified practice settings defined.

WAC 246-564-001 Purpose. The volunteer retired provider malpractice insurance program (VRP) was established under RCW 43.70.460 and 43.70.470, and is administered by the department of health. The VRP program serves low-income patients by increasing access to health care services. The program pays the malpractice insurance for volunteer health care providers in qualified practice settings.

[Statutory Authority: 2004 c 184, RCW 43.70.470. 05-10-094, § 246-564-001, filed 5/4/05, effective 6/4/05.]

WAC 246-564-010 Qualified practice settings defined. Qualified practice settings include any of the following:

- (1) Public or tax exempt corporations.
- (2) For-profit practice settings that maintain and hold themselves out to the public as providing health care services to Medicaid patients and post a sliding fee scale.
- (3) For-profit practice settings that have established hours on a regular basis for providing free health care services.

(4) For-profit practice settings that participate, through a written agreement, in a community-based program to provide access to health care services for uninsured persons.

[Statutory Authority: 2004 c 184, RCW 43.70.470, 05-10-094, § 246-564-010, filed 5/4/05, effective 6/4/05.]

Chapter 246-650 WAC NEWBORN SCREENING

WAC

246-650-991 Specialty clinic support fee.

WAC 246-650-991 Specialty clinic support fee. (1)

The department has the authority under RCW 70.83.040 to collect a fee for each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism and other disorders defined by the state board of health under RCW 70.83.020.

(2) The specialty clinic support fee is \$3.50. It is to be collected in conjunction with the screening charge from the parents or other responsible party through the facility where the screening specimen is obtained.

(3) However, effective through June 30, 2007, the department will collect an additional \$3.10 to fund specialty clinics that provide treatment services for other disorders defined by the board under RCW 70.83.020.

[Statutory Authority: RCW 70.83.040, 05-20-108, § 246-650-991, filed 10/5/05, effective 11/5/05; 99-20-036, § 246-650-991, filed 9/29/99, effective 10/30/99.]

Chapter 246-802 WAC ACUPUNCTURISTS

WAC

246-802-060 Clinical training.
246-802-130 Application exhibits required.
246-802-990 Acupuncture fees and renewal cycle.

WAC 246-802-060 Clinical training. A student must complete a minimum of five hundred hours of supervised clinical training consisting of up to one hundred hours of observation which includes case presentation and discussion.

(1) A qualified instructor must observe and provide guidance to the student as appropriate, and must be available within the clinical facility to provide consultation and assistance to the student for patient treatments. Prior to initiation of each treatment, the instructor must have knowledge of and approve the diagnosis and treatment plan.

(2) "Patient treatment" includes:

(a) Conducting a patient intake interview concerning the patient's past and present medical history;

(b) Performing acupuncture examination and diagnosis;

(c) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;

(d) Applying acupuncture treatment principles and techniques; and

(e) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

[Statutory Authority: RCW 18.06.160 and 18.06.050, 05-13-188, § 246-802-060, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-802-060, filed

12/27/90, effective 1/31/91. Statutory Authority: RCW 18.06.160, 87-06-050 (Order PM 641), § 308-180-170, filed 3/4/87.]

WAC 246-802-130 Application exhibits required. An applicant must submit:

(1) The application fee required under WAC 246-802-990;

(2) Verification of academic or educational study and training at a school or college which may include the following:

(a) Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or

(b) Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or

(c) Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of health from the issuing licensing and/or translation agency rather than the applicant.

(d) If the school no longer exists, an applicant may submit a sworn affidavit stating the name of the school and that it no longer exists. The applicant must also provide the school's address, dates of enrollment and curriculum completed, and other information and documents as requested by the department.

(3) Verification of clinical training. The applicant shall submit a verification of clinical training form. The form must be signed by an officer of the approved program and must state that the applicant completed a course of supervised clinical training. The verification form must include:

(a) The location(s) of the training site(s).

(b) The inclusive dates of training.

(c) A statement that the supervised clinical training meets the requirements of WAC 246-802-060.

(4) Certified verification of successful completion of:

(a) The national written examination;

(b) Practical examination of point location skills; and

(c) A clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).

(5) If required by WAC 246-802-090(3), certified verification of a successful score of at least 550 on the test of English as a foreign language (TOEFL). The applicant shall have a copy of his/her official score records sent directly to the department from the testing service. The department may grant an exemption to this requirement if the department determines there is good cause.

[Statutory Authority: RCW 18.06.160 and 18.06.050, 05-13-188, § 246-802-130, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 43.70.040, 92-17-035 (Order 295B), § 246-802-130, filed 8/13/92, effective 9/13/92; 91-02-049 (Order 121), recodified as § 246-802-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.06.160, 90-12-114 (Order 052), § 308-180-250, filed 6/6/90, effective 7/7/90; 88-07-031 (Order PM 713), § 308-180-250, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-250, filed 3/4/87.]

WAC 246-802-990 Acupuncture fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application	\$50.00
License renewal	90.00
Inactive license renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
Acupuncture training program application	500.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-802-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 03-07-095, § 246-802-990, filed 3/19/03, effective 7/1/03; 99-08-101, § 246-802-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-802-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250, chapter 18.06 RCW. 95-01-038, § 246-802-990, filed 12/12/94, effective 1/1/95. Statutory Authority: RCW 43.70.040 and 43.70.250. 92-17-035 (Order 295B), § 246-802-990, filed 8/13/92, effective 9/13/92. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-802-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-802-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-180-260, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-180-260, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-15-030 (Order PM 735), § 308-180-260, filed 7/13/88; 87-18-031 (Order PM 667), § 308-180-260, filed 8/27/87.]

Chapter 246-808 WAC

CHIROPRACTIC QUALITY ASSURANCE COMMISSION

WAC

246-808-135	Licensure by endorsement.
246-808-990	Chiropractic fees and renewal cycle.

WAC 246-808-135 Licensure by endorsement. RCW 18.25.040 authorizes the commission to grant licensure for endorsement to individuals to practice chiropractic under the laws of any other state, territory of the United States, the District of Columbia, Puerto Rico, or province of Canada, if the commission determines an applicant has qualifications that are substantially equivalent to the requirements in this section.

An applicant may apply for licensure by endorsement by submitting to the commission:

(1) A completed application on forms provided by the department;

(2) A fee as specified in WAC 246-808-990; and

(3) Evidence, satisfactory to the commission that the applicant, at the time of application under this section:

(a) Is licensed to practice chiropractic in another jurisdiction including, but not limited to, another state, a territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province in Canada;

(b) Has credentials and qualifications that are substantially equivalent to Washington state's requirements for licensure by examination;

(c) Has been engaged in the full-time practice of chiropractic, or has taught general clinical chiropractic subjects at an accredited school of chiropractic;

(d) Has not been convicted of a crime, if the crime would be grounds for the denial, suspension, or revocation of a license to practice chiropractic in the state of Washington;

(e) Has a license to practice chiropractic that is not suspended, revoked, or otherwise conditioned or restricted, in any jurisdiction, which would be grounds for the denial, suspension or revocation of a license to practice chiropractic in the state of Washington; and

(f) Of passing an open book written jurisprudence examination with a minimum passing score of ninety-five percent.

[Statutory Authority: RCW 18.25.0171 and 18.25.040. 05-20-105, § 246-808-135, filed 10/5/05, effective 11/5/05. Statutory Authority: RCW 18.25.0171 and 18.25.030. 00-17-180, § 246-808-135, filed 8/23/00, effective 9/23/00. Statutory Authority: Chapter 18.25 RCW. 96-16-074, § 246-808-135, filed 8/6/96, effective 9/6/96.]

WAC 246-808-990 Chiropractic fees and renewal cycle. (1) Licenses and registrations must be renewed on the practitioner's birthday every year as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for chiropractic license:

Title of Fee	Fee
Application/full examination or reexamination	\$300.00
Temporary permit application	150.00
Temporary practice permit	50.00
Preceptorship	100.00
License renewal	270.00
Late renewal penalty	135.00
Expired license reissuance	135.00
Inactive license renewal	150.00
Expired inactive license reissuance	75.00
Duplicate license	15.00
Certification of license	25.00

(3) The following nonrefundable fees will be charged for chiropractic X-ray technician registration:

Title of Fee	Fee
Application	25.00

Title of Fee	Fee
Original registration	25.00
Renewal	40.00
Late renewal penalty	40.00
Expired registration reissuance	40.00
Duplicate registration	15.00
Certification of registration	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-808-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-808-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-808-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.25 RCW. 96-16-074, § 246-808-990, filed 8/6/96, effective 9/6/96.]

Chapter 246-809 WAC

LICENSURE FOR MENTAL HEALTH COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND SOCIAL WORKERS

WAC

246-809-990 Licensed mental health counselors, marriage and family therapists, and social workers—Fees and renewal cycle.

WAC 246-809-990 Licensed mental health counselors, marriage and family therapists, and social workers—Fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

Title	Fee
(2) The following nonrefundable fees will be charged for licensed marriage and family therapist:	
Application	\$50.00
Initial license	25.00
Renewal	83.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Duplicate license	10.00
Certification of license	10.00
(3) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	25.00
Initial license	25.00
Renewal	29.00
Late renewal penalty	29.00
Expired license reissuance	29.00
Duplicate license	10.00
Certification of license	10.00
(4) The following nonrefundable fees will be charged for licensed advanced social worker and licensed independent clinical social worker:	
Application	25.00
Initial license	25.00

Title	Fee
Renewal	42.00
Late renewal penalty	42.00
Expired license reissuance	42.00
Duplicate license	10.00
Certification of license	10.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-809-990, filed 5/20/05, effective 7/1/05. Statutory Authority: 2001 c 251, RCW 43.70.250. 01-17-113, § 246-809-990, filed 8/22/01, effective 9/22/01.]

Chapter 246-810 WAC

COUNSELORS

WAC

246-810-990 Counselors fees and renewal cycle.

WAC 246-810-990 Counselors fees and renewal cycle.

(1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

Title	Fee
(2) The following nonrefundable fees will be charged for registered counselor:	
Application and registration	\$40.00
Renewal	37.00
Late renewal penalty	37.00
Expired registration reissuance	37.00
Duplicate registration	15.00
Certification of registration	15.00
(3) The following nonrefundable fees will be charged for registered hypnotherapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
Expired registration reissuance	65.00
Duplicate registration	15.00
Certification of registration	15.00
(4) The following nonrefundable fees will be charged for certified marriage and family therapist:	
Application	50.00
Initial certification	25.00
Examination administration	25.00
Renewal	83.00
Late renewal penalty	50.00
Expired certification reissuance	50.00
Duplicate certification	10.00
Certification of certificate	10.00
Wall certificate	10.00

Title	Fee
(5) The following nonrefundable fees will be charged for certified mental health counselor:	
Application	25.00
Initial certification	25.00
Renewal	29.00
Late renewal penalty	29.00
Expired certification reissuance	29.00
Duplicate certification	10.00
Certification of certificate	10.00
Wall certificate	10.00
(6) The following nonrefundable fees will be charged for certified social worker:	
Application	25.00
Initial certification	25.00
Renewal	42.00
Late renewal penalty	42.00
Expired certification reissuance	42.00
Duplicate certification	10.00
Certification of certificate	10.00
Wall certificate	10.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-810-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-810-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-810-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-990, filed 8/20/97, effective 9/20/97. Statutory Authority: Chapter 18.19 RCW. 96-08-069, § 246-810-990, filed 4/3/96, effective 5/4/96. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-810-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-190-010, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-190-010, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-033 (Order PM 669), § 308-190-010, filed 8/27/87.]

Chapter 246-811 WAC

CHEMICAL DEPENDENCY PROFESSIONALS

WAC

246-811-990	How often do I need to renew and what are the costs for certification?
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WAC 246-811-990 How often do I need to renew and what are the costs for certification? (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for certified chemical dependency professional:

Title of Fee	Fee
Application	\$100.00
Initial certification	125.00
Renewal	125.00

Title of Fee	Fee
Renewal retired active	62.50
Late renewal retired active	50.00
Late renewal penalty	62.50
Expired certification reissuance	62.50
Duplicate certification	10.00
Certification of certificate	10.00
Wall certificate	10.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-811-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.130.250. 02-07-083, § 246-811-990, filed 3/19/02, effective 4/19/02. Statutory Authority: RCW 18.205.060(1). 99-13-084, § 246-811-990, filed 6/14/99, effective 7/15/99.]

Chapter 246-812 WAC

BOARD OF DENTURE TECHNOLOGY

WAC

246-812-020	Continuing competency requirements.
246-812-990	Denturist fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-812-995	Conversion to a birthday renewal cycle. [Statutory Authority: RCW 18.30.070(3). 98-20-068, § 246-812-995, filed 10/2/98, effective 11/2/98. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-812-995, filed 2/13/98, effective 3/16/98.] Repealed by 05-12-012, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110.
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WAC 246-812-020 Continuing competency requirements. (1) Purpose. The board in agreement with the secretary of the department of health has determined that the public health, safety and welfare of the citizens of the state will be served by requiring all denturists, licensed under chapter 18.30 RCW, to continue their professional development via continuing competency after receiving their licenses.

(2) Effective date. The effective date for the continuing competency requirements for denturists is January 1, 2006. The reporting cycle for verifying completion of continuing competency hours will begin on January 1, 2008, and each renewal date thereafter.

(3) Requirements. A licensed denturist must complete thirty clock hours of continuing competency, every two years, prior to his or her biennial renewal date. The licensee must sign a declaration attesting to the completion of the required number of hours as part of the biennial renewal requirement. The department of health may randomly audit up to twenty-five percent of practitioners for compliance with these rules, after the credential is renewed as allowed by chapter 246-12 WAC, Part 7.

(4) Acceptable continuing competency—Qualification of courses for continuing competency credit. The board will not authorize or approve specific continuing competency courses. Continuing competency course work must contribute to the professional knowledge and development of the practitioner, or enhance services provided to clients.

For the purposes of this chapter, acceptable continuing competency means courses offered or authorized by industry recognized state, local, private, national and international organizations, agencies or institutions of higher learning.

Examples of sponsors or types of continuing competency courses include, but are not limited to:

(a) Courses offered or sponsored by the Washington State Denturist Association.

(b) Basic first aid, cardio pulmonary resuscitation, basic life support, advanced cardiac life support, or emergency related training such as courses offered or authorized by the American Heart Association, the American Cancer Society; training offered or sponsored by Occupational Safety and Health Administration (OSHA) or Washington Industrial Safety and Health Act (WISHA); or any other organizations or agencies.

(c) All forms of educational media related to denturism, available through internet, mail or independent reading, that include an assessment tool upon completion, may not exceed ten hours for the two-year period.

(d) A licensee who serves as a teacher or who lectures in continuing competency programs and/or courses, that contribute to the professional competence of a licensed denturist may accumulate the same number of hours obtained by licensed denturists attending the program and/or course may not exceed sixteen hours for the two-year period.

(e) Attendance at a continuing competency program with a featured speaker(s) may not exceed sixteen hours for the two-year period.

(f) Time spent preparing an original technical or clinical article for a professional publication may not exceed twelve hours for the two-year period.

(g) Nonclinical courses relating to denturist practice organization and management, patient management, or methods of health delivery may not exceed eight hours for the two-year period.

(h) Estate planning, financial planning, investments, and personal health courses are not acceptable.

(5) The board may disallow any claim of credit for a continuing competency course that does not meet the requirements of subsection (4) of this section.

(6) Failure to complete the continued competency requirements by time of license renewal, or failure to provide adequate documentation of completion, is grounds for denying renewal of his or her license until such time as the licensee demonstrates compliance.

(7) Documentation required. Credit for a continuing competency course may not be claimed by a licensee unless the course organizer provides the licensee with documentation of course attendance.

(8) Exceptions. The following are exceptions from the continuing competency requirements:

Upon a showing of good cause by the licensee, the board may waive the licensee from any, all, or part of the continuing competency requirements in this chapter or may grant additional time for the licensee to complete the requirements. Good cause includes, but is not limited to:

- (a) Illness;
- (b) Medical necessity or family emergency;
- (c) Hardship to practice; or
- (d) Other extenuating circumstances.

(9) The requirements of this section are in addition to the requirements in chapter 246-12 WAC, Part 7, related to continuing competency.

[Statutory Authority: RCW 18.30.065, 05-23-101, § 246-812-020, filed 11/17/05, effective 1/1/06.]

WAC 246-812-990 Denturist fees and renewal cycle.

(1) Licenses must be renewed every other year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$1,000.00
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
License renewal	2,750.00
Late renewal penalty	300.00
Expired license reissuance	300.00
Inactive license renewal	1,500.00
Expired inactive license reissuance	300.00
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110, 05-12-012, § 246-812-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250 and chapter 18.30 RCW, 00-07-050, § 246-812-990, filed 3/8/00, effective 4/8/00. Statutory Authority: RCW 18.30.070(3), 98-20-068, § 246-812-990, filed 10/2/98, effective 11/2/98. Statutory Authority: RCW 43.70.280, 98-05-060, § 246-812-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.30.070(3), 95-22-062, § 246-812-990, filed 10/30/95, effective 11/30/95.]

Chapter 246-815 WAC DENTAL HYGIENISTS

WAC

246-815-990 Dental hygiene fees and renewal cycle.

WAC 246-815-990 Dental hygiene fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination	\$100.00

Title of Fee	Fee
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Credentialing application	100.00
Limited license application	100.00
Limited license renewal	40.00
Limited license late renewal penalty	40.00
Expired limited license reissuance	40.00
Duplicate license	15.00
Certification of license	25.00
Education program evaluation	200.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-815-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 05-01-018, § 246-815-990, filed 12/2/04, effective 3/22/05; 03-07-095, § 246-815-990, filed 3/19/03, effective 7/1/03. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-815-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.29 RCW and RCW 18.20.150(4). 95-16-102, § 246-815-990, filed 8/1/95, effective 9/1/95. Statutory Authority: RCW 43.70.250. 94-02-059, § 246-815-990, filed 1/3/94, effective 3/1/94. Statutory Authority: RCW 43.70.250 and 1993 c 323. 93-16-073, § 246-815-990, filed 8/2/93, effective 9/2/93. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-815-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-815-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-25-065, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-25-065, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-25-065, filed 8/10/83. Formerly WAC 308-25-060.]

Chapter 246-817 WAC

DENTAL QUALITY ASSURANCE COMMISSION

(Formerly chapters 246-816 and 246-818 WAC)

WAC

246-817-990 Dentist fees and renewal cycle.

WAC 246-817-990 Dentist fees and renewal cycle. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty and resident licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application by examination*	
Initial application	\$325.00
Original application - Without examination	
Initial application	350.00
Initial license	350.00
Faculty license application	325.00
Resident license application	60.00
License renewal:	
Renewal	205.00
Surcharge - impaired dentist	25.00
Late renewal penalty	102.50
Expired license reissuance	102.50
Duplicate license	15.00
Certification of license	25.00
Anesthesia permit	
Initial application	50.00
Renewal - (three-year renewal cycle)	50.00
Late renewal penalty	50.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-817-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.32.0365 and 43.70.250. 01-11-166, § 246-817-990, filed 5/23/01, effective 7/1/01. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-817-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-817-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.040. 95-16-122, § 246-817-990, filed 8/2/95, effective 9/1/95.]

Chapter 246-822 WAC

DIETITIANS OR NUTRITIONISTS

WAC

246-822-990 Dietitian and nutritionist fees and renewal cycle.

WAC 246-822-990 Dietitian and nutritionist fees and renewal cycle. (1)

Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title	Fee
Application	\$75.00
Renewal	45.00
Late renewal penalty	45.00
Expired certificate reissuance	45.00

Title	Fee
Duplicate certificate	15.00
Certification of certificate	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-822-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-822-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-822-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-822-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-822-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-177-110, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-110, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-110, filed 1/11/89.]

Chapter 246-824 WAC DISPENSING OPTICIANS

WAC	
246-824-990	Dispensing optician fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-824-995	Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280. 98-05-060, § 246-824-995, filed 2/13/98, effective 3/16/98.] Repealed by 05-12-012, filed 5/20/05, effective 7/1/05. Statutory Authority: 43.70.250, [43.70.]280 and 43.70.110.
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WAC 246-824-990 Dispensing optician fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Optician:	
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	50.00
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	75.00
Expired license reissuance	62.50
Duplicate license	15.00
Certification of license	15.00
Apprentice registration	75.00
Endorsement application	100.00
Inactive license	35.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-824-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-824-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 94-08-078, § 246-824-990, filed 4/5/94, effective 5/6/94; 93-14-011, § 246-824-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040, 43.70.250 and chapter 18.34 RCW. 92-02-018 (Order 224), § 246-824-990, filed 12/23/91, effective

1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-824-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-26-045, filed 5/1/87.]

Chapter 246-826 WAC HEALTH CARE ASSISTANTS

WAC	
246-826-990	Health care assistant fees and renewal cycle.

WAC 246-826-990 Health care assistant fees and renewal cycle. (1) Certificates must be renewed every two years as provided in WAC 246-826-050 and chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
First certification	\$60.00
Renewal	60.00
Expired certificate reissuance	50.00
Recertification	60.00
Late renewal penalty	50.00
Duplicate	15.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-826-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250 and 18.135.030. 03-24-071, § 246-826-990, filed 12/1/03, effective 3/1/04. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-826-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-826-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-826-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-175-140, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-140, filed 11/12/87.]

Chapter 246-828 WAC HEARING AND SPEECH

WAC	
246-828-990	Hearing instrument fitter/dispenser, audiologist and speech language pathologists fees and renewal cycle.

WAC 246-828-990 Hearing instrument fitter/dispenser, audiologist and speech language pathologists fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in

the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Licensees must pay the following nonrefundable fees:

Title of Fee	Fee
License application	\$125.00
Initial license	100.00
Interim permit	100.00
Renewal	200.00
Inactive license	75.00
Late renewal penalty	100.00
Expired license reissuance	100.00
Expired inactive license reissuance	50.00
License verification	15.00
Wall certificate	15.00
Duplicate license	15.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-828-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.35.161. 04-02-068, § 246-828-990, filed 1/7/04, effective 2/7/04. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-828-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.35.090 and 43.70.250. 97-04-043, § 246-828-990, filed 1/31/97, effective 1/31/97. Statutory Authority: RCW 18.35.161 (1) and (3). 95-19-017, § 246-828-990, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 43.70.250. 94-08-038, § 246-828-990, filed 3/31/94, effective 5/1/94; 93-14-011, § 246-828-990, filed 6/24/93, effective 7/25/93; 91-13-002 (Order 173), § 246-828-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-11-030 (Order 139), recodified as § 246-828-990, filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-50-440, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-50-440, filed 8/27/87.]

Chapter 246-830 WAC MASSAGE PRACTITIONERS

WAC

246-830-990 Massage fees and renewal cycle.

WAC 246-830-990 Massage fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Written examination and reexamination	\$65.00
Practical examination and reexamination	50.00
Initial license	50.00
Renewal	25.00
Late renewal penalty	25.00
Expired license reissuance	25.00
Certification of license	10.00
Duplicate license	10.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-830-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 03-07-095, § 246-830-990, filed 3/19/03, effective 7/1/03; 99-08-101, § 246-830-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-830-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.108.025(1). 95-11-108, § 246-830-990, filed 5/23/95, effective 6/23/95. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-830-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 18.108.085 and 43.70.250. 92-02-018 (Order 224), § 246-830-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-830-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. 88-24-042 (Order PM 788), § 308-51-210, filed 12/6/88; 87-18-031 (Order PM 667), § 308-51-210, filed 8/27/87.]

Chapter 246-834 WAC MIDWIVES

WAC

246-834-250 Legend drugs and devices.
246-834-990 Midwifery fees and renewal cycle.

WAC 246-834-250 Legend drugs and devices. (1)

Licensed midwives may purchase and use legend drugs and devices as follows:

(a) Dopplers, syringes, needles, phlebotomy equipment, suture, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitoring, toco monitoring, neonatal and adult resuscitation equipment, oxygen, glucometer, and centrifuge; and

(b) Pharmacies may issue breast pumps, compression stockings and belts, maternity belts, diaphragms and cervical caps, ordered by licensed midwives.

(2) In addition to prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho immune globulin (human), and local anesthetic medications as listed in RCW 18.50.115, licensed midwives may obtain and administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers heparin and 0.9% sodium chloride for use in intravenous locks;

(b) Sterile water for intradermal injections for pain relief;

(c) Magnesium sulfate for prevention of maternal seizures pending transport;

(d) Epinephrine for use in maternal anaphylaxis pending transport;

(e) Measles, Mumps, and Rubella (MMR) vaccine to nonimmune postpartum women, HBIG and HBV for neonates born to hepatitis B+ mothers;

(f) Terbutaline for nonreassuring fetal heart tones and/or cord prolapse pending transport;

(g) Antibiotics for intrapartum prophylaxis of Group B Beta hemolytic Streptococcus (GBS) per current CDC guidelines; and

(h) Antihemorrhagic drugs to control postpartum hemorrhage, such as misoprostol per rectum (for use only in postpartum hemorrhage), methylergonovine maleate in the absence of hypertension, oral or intramuscular, prostaglandin F2 alpha (hemobate), intramuscular.

(3) The client's records shall contain documentation of all medications administered.

(4) The midwife must have a procedure, policy or guideline for the use of each drug.

[Statutory Authority: RCW 18.50.115. 05-06-118, § 246-834-250, filed 3/2/05, effective 4/2/05. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-834-250, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-250, filed 5/27/88.]

WAC 246-834-990 Midwifery fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following fees are nonrefundable:

Title of Fee	Fee
Initial application	\$515.00
National examination administration (initial/retake)	103.00
State examination (initial/retake)	154.50
Renewal	978.75
Late renewal penalty	300.00
Duplicate license	25.00
Certification of license	25.00
Application fee—Midwife-in-training program	978.75
Expired license reissuance	300.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-834-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250 and 18.50.135. 04-22-113, § 246-834-990, filed 11/3/04, effective 2/17/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.50.102. 01-23-101, § 246-834-990, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 18.50.102 and 43.70.250. 98-11-069, § 246-834-990, filed 5/19/98, effective 7/13/98. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-834-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-834-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-115-405, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.50.135. 89-08-008 (Order PM 827), § 308-115-405, filed 3/24/89. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-115-405, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-115-405, filed 8/10/83. Formerly WAC 308-115-400.]

Chapter 246-836 WAC

NATUROPATHIC PHYSICIANS

WAC

246-836-990	Naturopathic physician licensing fees and renewal cycle.
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WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The

adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Amount
Application initial/retake	\$25.00
State examination (initial/retake)	25.00
Initial license	25.00
License renewal	200.00
Late renewal penalty	100.00
Expired license reissuance	100.00
Duplicate license	15.00
Certification of license	15.00
Application for reciprocity	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-836-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 03-07-095, § 246-836-990, filed 3/19/03, effective 7/1/03. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-836-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-836-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-836-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-13-084 (Order 066), § 308-34-170, filed 6/20/90, effective 7/21/90; 90-04-094 (Order 029), § 308-34-170, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-34-170, filed 10/5/88. Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-170, filed 6/24/88.]

Chapter 246-840 WAC

PRACTICAL AND REGISTERED NURSING

WAC

246-840-420	Authorized prescriptions by the ARNP with prescriptive authority.
246-840-505	Purposes of commission approval of nursing education programs.
246-840-510	Approval of initial (new) nursing education programs.
246-840-515	Branch campus and distance learning nursing education programs.
246-840-520	Ongoing evaluation and approval of nursing education programs.
246-840-525	Commission action following survey visits.
246-840-530	Denial, conditional approval or withdrawal of approval.
246-840-535	Reinstatement of approval.
246-840-545	Closing of an approved nursing education program.
246-840-548	Standards and evaluation of nursing education.
246-840-550	Standard I. Purpose and outcomes for approved nursing education programs.
246-840-555	Standard II. Organization and administration for approved nursing education programs.
246-840-560	Standard III. Resources, facilities, and services for approved nursing education programs.
246-840-565	Standard IV. Students in approved nursing education programs.
246-840-570	Standard V. Faculty in approved nursing education programs.
246-840-575	Curriculum for approved nursing education programs.
246-840-990	Fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-840-421	How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? [Statutory Authority: RCW 18.79.240, 2000 c 64, and RCW 18.79.320. 01-16-011, § 246-840-421, filed 7/19/01, effective 8/19/01.] Repealed by 06-01-102, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.79.240 and 2005 c 28.
246-840-422	Criteria for joint practice arrangement. [Statutory Authority: RCW 18.79.240, 2000 c 64, and RCW 18.79.320. 01-16-011, § 246-840-422, filed 7/19/01, effective 8/19/01.] Repealed by 06-01-102, filed

- 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.79.240 and 2005 c 28.
- 246-840-423 Endorsement of joint practice arrangements for ARNP licensure. [Statutory Authority: RCW 18.79.240, 2000 c 64, and RCW 18.79.320. 01-16-011, § 246-840-423, filed 7/19/01, effective 8/19/01.] Repealed by 06-01-102, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.79.240 and 2005 c 28.
- 246-840-424 Process for joint practice arrangement termination. [Statutory Authority: RCW 18.79.240, 2000 c 64, and RCW 18.79.320. 01-16-011, § 246-840-424, filed 7/19/01, effective 8/19/01.] Repealed by 06-01-102, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.79.240 and 2005 c 28.
- 246-840-426 Education for prescribing Schedule II - IV drugs. [Statutory Authority: RCW 18.79.240, 2000 c 64, and RCW 18.79.320. 01-16-011, § 246-840-426, filed 7/19/01, effective 8/19/01.] Repealed by 06-01-102, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.79.240 and 2005 c 28.
- 246-840-427 Jurisdiction. [Statutory Authority: RCW 18.79.240, 2000 c 64, and RCW 18.79.320. 01-16-011, § 246-840-427, filed 7/19/01, effective 8/19/01.] Repealed by 06-01-102, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.79.240 and 2005 c 28.

WAC 246-840-420 Authorized prescriptions by the ARNP with prescriptive authority. (1) Prescriptions for drugs must comply with all applicable state and federal laws.

(2) The prescriber must sign all prescriptions and include the initials ARNP.

(3) An ARNP may not, under RCW 18.79.240(1) and chapter 69.50 RCW, prescribe controlled substances in Schedule I.

(4) Any ARNP with prescriptive authorization who prescribes controlled substances must register with the drug enforcement administration.

[Statutory Authority: RCW 18.79.240 and 2005 c 28. 06-01-102, § 246-840-420, filed 12/21/05, effective 1/21/06. Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-420, filed 6/18/97, effective 7/19/97.]

WAC 246-840-505 Purposes of commission approval of nursing education programs. The commission approves nursing education programs to:

(1) Assure preparation for the safe practice of nursing by setting minimum standards for nursing education programs preparing persons for licensure as registered nurses or practical nurses.

(2) Provide criteria for the development, evaluation, and improvement of new and established nursing education programs.

(3) Assure candidates are educationally prepared for licensure at the appropriate level of nursing practice.

(4) Facilitate interstate endorsement of graduates of commission approved programs of nursing.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-505, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-505, filed 10/16/95, effective 11/16/95.]

WAC 246-840-510 Approval of initial (new) nursing education programs. (1) Application for program development. A postsecondary educational institution wishing to establish a program in nursing shall seek nursing commission approval to begin the process in the following manner:

(a) Submit to the commission a statement of intent to establish a nursing education program on a form provided by the commission, and a completed feasibility study that includes at least the following information:

- (i) Nursing studies documenting the need for entry level nurses in the area;
 - (ii) Purposes and classification of the program;
 - (iii) Availability of qualified faculty;
 - (iv) Budgeted faculty positions;
 - (v) Availability of adequate clinical facilities for the program;
 - (vi) Availability of adequate academic facilities for the program;
 - (vii) Potential effect on other nursing programs in the area;
 - (viii) Evidence of financial resources adequate for the planning, implementation, and continuation of the program;
 - (ix) Anticipated student population; and
 - (x) Tentative time schedule for planning and initiating the program.
- (b) Respond to the commission's request(s) for additional information.

(c) Receive or be denied nursing commission approval for program development.

(2) Program development. Upon approval for program development, the educational institution shall:

(a) Appoint a qualified nurse administrator and provide appropriate resources, consultants, and faculty to develop a proposed nursing education program.

(b) Prior to admission of students and with sufficient time for commission review, submit the proposed program plan that includes all of the following:

- (i) Purpose and outcomes;
- (ii) Organization and administration including the nurse administrator;
- (iii) Resources, facilities, and services;
- (iv) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system;
- (v) A plan for hiring and retaining faculty, including qualifications, responsibilities, organizational structure, and faculty/student ratio;
- (vi) Curriculum, including course descriptions and course outlines;
- (vii) Initial year and five-year sustaining budget;
- (viii) Projected plans for the orderly expansion and ongoing evaluation of the program.

(c) Arrange a survey visit to the campus to clarify and amplify materials included in the written proposed program plan. The visit will be conducted by a representative of the commission before a decision regarding approval is rendered.

(d) Receive or be denied initial approval of the proposed nursing program.

(3) Initial approval.

(a) The program may only admit students if it has received initial approval by the commission;

(b) The school shall submit progress reports as requested by the commission; and

(c) Survey visits shall be scheduled as deemed necessary by the commission during the period of initial approval. A site survey, conducted by the commission, will determine whether graduates may test for the licensure examination (NCLEX)®.

(4) Full approval.

(a) A self-evaluation report of compliance with the standards for nursing education as identified in WAC 246-840-550 through 246-840-575, shall be submitted to the nursing commission within six months following graduation of the first class.

(b) The commission may conduct a survey visit to determine full approval of the program.

(c) The commission will review the self-evaluation report, survey reports and program outcome data in order to grant or deny full approval of the nursing education program under WAC 246-840-530(1).

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-510, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-510, filed 10/16/95, effective 11/16/95.]

WAC 246-840-515 Branch campus and distance learning nursing education programs. An approved nursing education program wishing to initiate or maintain an off-campus, extended or satellite nursing program must submit an initial plan and subsequent annual reports to the commission.

(1) The initial plan must demonstrate how:

(a) Faculty for the off-campus, extended or satellite program will meet the nursing education standards (WAC 246-840-570);

(b) The program will meet curriculum and academic standards of the main campus nursing education program;

(c) Adequate clinical facilities are available and meet the requirements of the program purpose and outcomes;

(d) Academic facilities and resources are comparable to those of the main program.

(2) The branch campus and distance learning education program must coordinate annual reports and site survey evaluations with administration at the main campus.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-515, filed 5/26/05, effective 6/26/05.]

WAC 246-840-520 Ongoing evaluation and approval of nursing education programs. (1) To ensure continuing compliance with the statewide articulation plan and standards of nursing education, the commission will survey and reevaluate each nursing education program for continued approval every eight to ten years. More frequent evaluation, including a site visit may occur as deemed necessary by the commission or if requested by the nursing education program.

(2) Any proposed substantive nursing program change must be presented to the commission for approval at least three months prior to implementation. Substantive changes include, but are not limited to, changes in legal status, control, ownership, or resources of the institution; decreases in faculty below that which is required to staff clinical sections of WAC 246-840-570; changes in faculty composition whereby their expertise is not adequate to teach those areas of nursing described in WAC 246-840-575; and major curriculum revision or changes in the length of the program.

(3) The program must submit annual reports on forms provided by the commission and on the date specified.

EVALUATION OF A NURSING PROGRAM BY THE NATIONAL ACCREDITING BODY:

(4) The commission may accept accreditation by a commission-recognized national nursing accreditation body as evidence of compliance with the standards of nursing education programs. The nursing program must submit to the commission a copy of the self-evaluation report submitted to the national agency.

(a) Programs that seek accreditation from a commission-recognized national nursing accreditation body shall file evidence of that accreditation with the commission within thirty days of receiving the report from the accreditation body. The nursing program must file notice of any change in program accreditation status with the commission within thirty days of receipt of notice from the accreditation body. The commission shall grant full approval based upon evidence of accreditation for eight or ten years. Failure to submit notice of accreditation survey results within thirty days may result in a site visit or other sanctions as described in WAC 246-840-530.

(b) Programs holding approval based upon national accreditation must comply with WAC 246-840-550 through 246-840-575.

(c) The commission may grant full approval for a continuing period, not to exceed ten years to nursing programs with maximum continuing national accreditation.

(d) The program must submit any interim report requested by the national accrediting body to the commission.

(e) If the nursing program receives notice from the accrediting body addressing interim reports, notice must be sent to the commission within thirty days of receiving the report.

(f) If the program is accredited for less than maximum accreditation, then the program must provide the commission with a copy of the report addressing the items of noncompliance within thirty days of receipt from the accreditation body. The commission may require an additional report regarding noncompliance.

EVALUATION OF A NURSING PROGRAM BY THE COMMISSION:

(5) Programs that are not nationally accredited by a commission-recognized national nursing accreditation body are subject to a survey visit made by representative(s) of the commission on dates mutually agreeable to the commission and the nursing education program.

(a) The commission must notify the nurse administrator that a survey visit is required at least twelve months in advance of the visit.

(b) Prior to the survey visit a program shall submit a self-evaluation report that provides evidence of compliance with the standards of nursing education as identified in WAC 246-840-550 through 246-840-575.

(c) Within sixty days, and prior to commission consideration, a draft of the commission survey visit report will be made available to the school for review for corrections in statistical data and for response to issues raised.

(d) Following the commission's review and decision, the commission will send to the program nurse administrator, the president and vice-president for instruction written notification regarding approval of the program.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-520, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-520, filed 10/16/95, effective 11/16/95.]

WAC 246-840-525 Commission action following survey visits. (1) When a matter directly concerning a nursing program is being considered by the commission, any commission member associated with the program may not participate in the deliberation or decision-making action of the commission.

(2) The commission shall evaluate each program in terms of its conformance to the nursing education standards in this chapter.

(3) Within thirty days of the commission's decision, the commission shall give written notice to the educational institution regarding its decision on the program's approval status including the nurse administrator, the president and vice-president for instruction.

(4) The commission shall grant continuing full approval to a nursing program that meets the requirements of the law and this chapter. Full approval may carry recommendations for improvement and for correcting deficiencies.

(5) If the commission determines that an approved nursing program is not maintaining the education standards required for approval, the commission shall give written notice specifying the deficiencies and shall designate the period of time in which the deficiencies must be corrected. The program's approval shall be withdrawn if a program fails to correct the deficiencies within the specified period of time in WAC 246-840-530.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-525, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-525, filed 10/16/95, effective 11/16/95.]

WAC 246-840-530 Denial, conditional approval or withdrawal of approval. (1) The commission may deny full approval to new or ongoing programs if it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 246-840-550 through 246-840-575.

(2) The commission may grant conditional approval to a nursing education program that has failed to meet the minimum standards contained in the law and this chapter.

(a) Conditions must be met within a designated time period and shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. The review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Withdrawal of approval.

(3) The following situations may be cause for review and/or a site visit by the commission to determine if the minimum standards for nursing programs are being met:

(a) Complaints relating to violations of WAC 246-840-550 through 246-840-575.

(b) Denial, withdrawal or change of program accreditation status by a commission-recognized national nursing accreditation agency or general academic accreditation agency.

(c) Failure to obtain commission approval of changes that require approval of the commission under "program changes."

(d) Providing false or misleading information to students or the public concerning the nursing program.

(e) Violation of the rules or policies of the commission.

(f) Inability to secure or retain a qualified director or faculty, resulting in substandard supervision and teaching of students.

(g) Noncompliance with the program's stated purpose, objectives, policies, and curriculum resulting in unsatisfactory student achievement.

(h) Failure to provide clinical experiences necessary to meet the objectives of the nursing program.

(i) Faculty student ratio in direct patient care is greater than 1:10.

(j) Failure to maintain an average NCLEX® examination annual passing rate of eighty percent. If a program:

(i) Fails to maintain an average passing rate of eighty percent of first time writers for two consecutive years, the commission will send a letter asking for an assessment of the problem and a plan of correction.

(ii) Fails to maintain an average passing rate of eighty percent of first time writers for three consecutive years, the program must complete an assessment of possible problem areas within six months and the commission may conduct an evaluation visit. The commission may offer technical assistance.

(iii) Fails to maintain a passing rate of eighty percent for four out of five consecutive years, the commission will place the program on conditional approval and require an evaluation visit.

(4) The commission may withdraw approval from ongoing programs if it determines that a nursing education program fails to substantially meet the standards for nursing education as contained in WAC 246-840-550 through 246-840-575.

(5) All these actions shall be taken in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and any applicable rules of the commission.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-530, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-530, filed 10/16/95, effective 11/16/95.]

WAC 246-840-535 Reinstatement of approval. The commission may consider reinstatement of withdrawn approval of a nursing education program after six months and upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 246-840-550 through 246-840-575.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-535, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-535, filed 10/16/95, effective 11/16/95.]

WAC 246-840-545 Closing of an approved nursing education program. (1) Voluntary closing. When a governing institution decides to close a program it shall notify the commission in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program may continue until the last class enrolled is graduated if:

(i) The program continues to meet the standards for approval, WAC 246-840-550 through 246-840-575 until all of the enrolled students have graduated;

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate; and

(iii) The governing institution notifies the commission in writing of the closing date; or

(b) The program may close after assisting in the transfer of students to other approved programs if:

(i) The program continues to meet the standards required for approval, WAC 246-840-550 through 246-840-575 until all students are transferred;

(ii) The governing institution submits to the commission a list of the names of students who have been transferred to approved programs and the date on which the last student was transferred; and

(iii) The date on which the last student was transferred shall be the closing date of the program.

(2) Closing as a result of withdrawal of approval. When the commission withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. The commission must establish a time frame for the transfer process.

(c) The governing institution shall submit to the commission a list of the names of students who have transferred to approved programs and the date on which the last student was transferred.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-545, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-545, filed 10/16/95, effective 11/16/95.]

WAC 246-840-548 Standards and evaluation of nursing education. The nursing program shall meet minimum standards established by the commission as detailed in WAC 246-840-550 through 246-840-575.

The nursing program shall implement a written, comprehensive, systematic plan for ongoing evaluation that is based on program outcomes and the input of faculty, students and consumers, and which incorporates continuing improvement.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-548, filed 5/26/05, effective 6/26/05.]

WAC 246-840-550 Standard I. Purpose and outcomes for approved nursing education programs. The purpose and outcomes of the nursing education program shall be stated clearly and must be available in written form.

(1) The purpose and outcomes must be consistent with the definitions of nursing practice as outlined in RCW 18.79.040 and 18.79.060.

(2) The nursing education program shall have a purpose statement and outcomes that are consistent with the governing institution and with generally accepted standards of nursing practice appropriate for graduates of the type of nursing program offered.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-550, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-550, filed 10/16/95, effective 11/16/95.]

WAC 246-840-555 Standard II. Organization and administration for approved nursing education programs. The nursing education program shall be an integral part of the accredited governing institution.

(1) The governing institution accreditation must be by a commission-approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution must be clearly delineated.

(3) The nursing education program must be organized with clearly defined institutional authority and administrative responsibility for the nurse administrator.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program must allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a professionally and academically qualified registered nurse currently licensed in this state.

FOR PRACTICAL AND ASSOCIATE DEGREE PROGRAMS:

(a) In a program offering practical nursing education or associate degree, a minimum of:

(i) A minimum of a bachelor's of science in nursing (BSN) and a masters degree, (preferably in nursing) or a master's of science in nursing (MSN) from an accredited college or university; and

(ii) Educational preparation in teaching nursing or two years experience in teaching nursing; and

(iii) Curriculum development and administration experience; and

(iv) Five years of experience as a registered nurse including two years of experience in nursing education; and

(v) Current knowledge of nursing practice at the practical nurse or associate degree program level as appropriate.

FOR BACHELOR'S DEGREE PROGRAMS:

(b) In a program offering the baccalaureate degree in nursing:

(i) A minimum of a masters degree with a major in nursing, a doctoral degree preferably in nursing from an accredited college or university; and

(ii) Preparation in education and administration; and

(iii) At least five years of experience as a registered nurse including two years of experience in nursing education at the baccalaureate level.

(7) The nurse administrator shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Communication with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of the institution, and encouragement of faculty to seek ways of improving clinical

skills and methods of demonstrating continued educational and clinical competence.

(d) Facilitation of faculty recruitment and appointment. The administration of the program is encouraged to establish a goal for acquiring faculty with diversity in ethnicity, gender, clinical specialty and experience.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state nursing commission are effectively implemented.

(i) Notification of the commission of any major changes in the program or its administration.

(8) The nurse administrator shall have sufficient time provided to fulfill relevant administrative duties and responsibilities.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-555, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-555, filed 10/16/95, effective 11/16/95.]

WAC 246-840-560 Standard III. Resources, facilities, and services for approved nursing education programs. A nursing education program shall have the fiscal, human, physical and learning resources adequate to support program process and outcomes.

(1) Classrooms, laboratories, and conference rooms must be available and adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices must be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for conferences with students. Adequate space must be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A nursing program shall utilize a variety of sites for learning experiences to enable the student to observe and practice safe nursing care of persons at each stage of the human life cycle. These experiences must include opportunities for the student to learn and provide nursing care to clients in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness, rehabilitation, and support in death. Clinical experiences shall include opportunities to learn and provide care to clients from diverse ethnic and cultural backgrounds. The experiences may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities must be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives. The number of hours of class and clinical practice opportunities and distribution of these shall be in direct ratio to the amount of time necessary for the student at the particular stage of development to accomplish the objectives.

(c) Clinical facilities must be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(d) Throughout the program the total hours of class and required clinical practice opportunities may not exceed forty hours per week.

(4) Library facilities must be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) The administration, faculty and students must conduct periodic evaluations of resources, facilities, and services.

(6) The nursing program must demonstrate adequate financial support for faculty, support personnel, equipment, supplies, and services.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-560, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-560, filed 10/16/95, effective 11/16/95.]

WAC 246-840-565 Standard IV. Students in approved nursing education programs. The approved nursing education program shall provide students the opportunity to acquire and demonstrate the knowledge, skills and abilities for safe and effective nursing practice.

(1) Written policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal of students must be available and consistent with the policies of the governing institution and must be communicated in a fair, accurate, inclusive, consistent and readily available format.

(2) The approved nursing education program shall:

(a) Develop policies specific to nursing students.

(b) Maintain a system of student records.

(c) Provide a written statement of student rights and responsibilities.

(d) Require that students, who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards.

(3) The nursing education program shall provide the student in a registered nursing program with information on the legal role of the nursing technician as defined in WAC 246-840-010 and 246-840-840. The information must be provided prior to the time of completion of the first clinical course and shall clearly advise the student of his or her responsibilities, if he or she chooses to be employed as a nursing technician.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-565, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-565, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-565, filed 10/16/95, effective 11/16/95.]

WAC 246-840-570 Standard V. Faculty in approved nursing education programs. Each nursing education program shall have a sufficient number of professionally and academically qualified faculty with adequate diversity of expertise in nursing to meet the nursing education program purpose, outcomes and quality improvement.

(1) The maximum ratio of faculty to students recommended in clinical areas involving direct care of patients or clients is one faculty member to ten students. A lower ratio

may be required by the nursing commission for students in initial or highly complex learning situations, or when student/client safety warrant. A higher ratio may be allowed with use of trained preceptors for students. Factors to be considered in determining the ratio are:

- (a) The preparation and expertise of the faculty member;
- (b) The objectives to be achieved;
- (c) The level of students;
- (d) The number, type, and acuity of patients;
- (e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s);
- (f) Students in initial or highly complex learning situations; and
- (g) The use of trained preceptors.

(2) If the faculty to student ratio in clinical areas involving direct care of patients or clients exceeds one faculty member to ten students, the program nurse administrator must submit a standardized report to the nursing commission. The report can be obtained from the nursing commission office. The contents of the standardized report must include, but is not limited to:

- (a) The nursing program pass rate on the National Licensing Examination identified in WAC 246-840-050 for the last two years;
- (b) The results of the two most recent faculty satisfaction surveys;
- (c) The results of the two most recent student satisfaction surveys;
- (d) Rationale for the exception to the one faculty member to ten students ratio and information supporting the program's decision. The rationale must include how the program will maintain patient safety.

The nursing commission must respond to the program nurse administrator, either electronically or in writing, regarding the report and its acceptance or denial, in a timely fashion. The nursing commission may request a site survey to be conducted based upon the report to gather information supporting the document. The commission must notify the program nurse administrator at least two weeks in advance of the site survey and indicate the purpose of the survey.

(3) Clinical preceptors may be used to enhance clinical learning experiences, after a student has received clinical and didactic instruction from program faculty in all basic areas for that course or specific learning experience. Preceptors may be used with the following criteria:

- (a) Licensed at or above the level for which the student is preparing;
- (b) Experienced in the facility and specialty area;
- (c) Orientation to written course and student learning objectives and documented role expectations of faculty, preceptor and preceptee; and
- (d) The faculty member shall confer with each preceptor and student regularly during the precepted learning experience.
- (4) Nursing faculty shall have a current unrestricted license to practice as a registered nurse in Washington.
- (5) Degree requirements for faculty teaching in nursing education programs shall have:

FOR PRACTICAL NURSING PROGRAMS:

(a) In a program preparing practical nurses only, a minimum of a baccalaureate degree with a major in nursing from an accredited college or university.

FOR REGISTERED NURSING PROGRAMS:

(b) In a program preparing registered nurses, a minimum of a masters degree with a major in nursing or a baccalaureate degree in nursing with a masters in a related field from an accredited college or university, unless:

(i) For faculty teaching in the classroom or laboratory, the nursing program shall provide documentation to the commission within thirty days of hire that:

(A) Despite aggressive recruitment efforts, it has been unable to attract properly qualified faculty; and

(B) The individual will either teach one year or less or be currently enrolled in a masters in nursing program at an accredited college or university.

(ii) For clinical faculty who will directly supervise students at a clinical facility, the nursing program shall provide documentation to the commission within thirty days of hire that:

(A) The individual has at least a minimum of a baccalaureate degree with a major in nursing from an accredited college or university; and

(B) The individual has current clinical experience of at least three years in the clinical subject area taught.

(iii) For faculty teaching in the classroom, laboratory or clinical setting, the individual is nursing faculty tenured prior to November 3, 1995.

(6) Interdisciplinary faculty must have academic and professional education and experience in their field of specialization.

(7) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose and outcomes of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice, including preceptorship experiences.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility and to demonstrate current clinical competency.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-570, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-570, filed 10/16/95, effective 11/16/95.]

WAC 246-840-575 Curriculum for approved nursing education programs. The curriculum must provide diverse learning experiences consistent with program outcomes. Clinical experiences must include opportunities to learn and provide care to clients from diverse ethnic and cultural backgrounds. The emphasis placed on these areas and the scope encompassed shall be in keeping with the purpose and outcomes of the program.

(1) The length, organization, content, methods of instruction, and placement of courses must be consistent with the purpose and outcomes of the program.

FOR PRACTICAL NURSE PROGRAMS:

(2)(a) The practical nurse certificate must be at least sixty quarter credits. Concepts of social, behavioral, and related foundation subjects may be integrated, combined or presented as separate courses.

(i) Normal growth and development.

(ii) Psychology - social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(iii) Personal and vocational relationships.

(b) Biological and related foundation subjects may be integrated, combined or presented as separate courses.

(i) Anatomy and physiology.

(ii) Microbiology - elementary concepts.

(iii) Chemistry and physics - elementary concepts.

(iv) Nutrition and diet therapy.

(v) Pharmacology and applied mathematics.

(c) Principles and skills of practical nursing consistent with the practical nurse role of the beginning practitioner as provided by the standards of competency identified in WAC 246-840-700 and 246-840-705.

(i) Nursing ethics, nursing history and trends, standards of practice, licensure and legal aspects of nursing.

(ii) Medical and surgical nursing for clients throughout the life span.

(iii) Ante/intra/postpartum and newborn nursing with only an assisting role in the care of clients during labor and delivery and those with complications.

(iv) Geriatric nursing.

(v) Mental health nursing.

(d) All nursing courses shall include:

(i) Components of: Client needs; safe, effective care environment; health promotion and maintenance; psychosocial integrity; and physiological integrity.

(ii) Skills laboratory and clinical practice in the functions of the practical nurse, including but not limited to, administration of medications, implementing and monitoring client care techniques and promoting psychosocial and physiological techniques.

(iii) Concepts of coordinated care and delegation.

FOR REGISTERED NURSE PROGRAMS:

(3)(a) Instruction in the physical, biological social and behavioral sciences. Content is required from the areas of anatomy and physiology (two terms with laboratory), physics, chemistry, microbiology, pharmacology and nutrition, communication and computations.

(b) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community and public health nursing.

(c) History, health care trends, legal and ethical issues, and scope of practice, and licensure and professional responsibility pertaining to the registered nurse role including the standards of competency identified in WAC 246-840-700 and 246-840-705. Content may be integrated, combined, or

presented as separate courses. Baccalaureate programs shall include study of research principles and statistics.

(d) Programs must include opportunities for the student to learn assessment and analysis of client and family needs, planning, implementation, evaluation, and delegation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership and care management.

(e) All nursing courses shall include:

(i) Comprehensive content on: Client needs; safe, effective care environment; health promotion and maintenance; psychosocial integrity and physiological integrity.

(ii) Clinical experiences in the care of persons at each stage of the human life cycle, with opportunities for the student to learn and have direct involvement in, responsibility and accountability for the provision of basic nursing care and comfort for clients with acute and chronic illnesses, pharmacological and parenteral therapies and pain management. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be consistent with the purpose and outcomes of the program.

(iii) Opportunities for management of care and delegation working within a health care team.

[Statutory Authority: RCW 18.79.110 and 18.79.150. 05-12-058, § 246-840-575, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-575, filed 10/16/95, effective 11/16/95.]

WAC 246-840-990 Fees and renewal cycle. (1) Applicants for a practical nurse or registered nurse license must pay the application fee and the nursing center surcharge fee when applying for a license. Licenses for practical nurse and registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. Practical nurses and registered nurses must pay the renewal fee and the nursing center surcharge fee when renewing licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Licenses for advanced registered nurse must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) Registrations for nursing technicians must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The renewal must be accompanied by an attestation as described in chapter 258, Laws of

2003. This attestation will include the nursing technician's anticipated graduation date. If the anticipated graduation date is within one year, the registration will expire thirty days after the anticipated graduation date. The expiration date may be extended to sixty days after graduation if the nursing technician can show good cause as defined in WAC 246-840-010(15). The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(4) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
Application (initial or endorsement)	\$65.00
License renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Inactive renewal	20.00
Expired inactive license reissuance	20.00
Inactive late renewal penalty	10.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00
Nursing center surcharge	5.00

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per specialty)	\$65.00
ARNP renewal with or without prescriptive authority (per specialty)	50.00
ARNP late renewal penalty (per specialty)	50.00
ARNP duplicate license (per specialty)	20.00
ARNP written verification of license (per specialty)	25.00

Nurse technologist fees:

Title of Fee	Fee
Application fee registration	\$130.00
Renewal of registration	90.00
Duplicate registration	15.00
Registration late renewal penalty	50.00

[Statutory Authority: RCW 43.70.010, 43.70.250, and 2005 c 268. 05-20-107, § 246-840-990, filed 10/5/05, effective 11/5/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-840-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250 and chapter 18.79 RCW. 04-04-054, § 246-840-990, filed 1/30/04, effective 1/30/04. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-840-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.79 RCW.]

97-23-075, § 246-840-990, filed 11/19/97, effective 1/12/98. Statutory Authority: RCW 18.79.200. 95-12-021, § 246-840-990, filed 5/31/95, effective 7/1/95.]

Chapter 246-841 WAC NURSING ASSISTANTS

WAC

246-841-990 Nursing assistant—Fees and renewal cycle.

WAC 246-841-990 Nursing assistant—Fees and renewal cycle. (1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for registrations:

Title of Fee	Fee
Application - registration	\$15.00
Renewal of registration	25.00
Duplicate registration	10.00
Registration late penalty	25.00
Expired registration reissuance	25.00

(3) The following nonrefundable fees will be charged for certifications:

Title of Fee	Fee
Application for certification	15.00
Certification renewal	25.00
Duplicate certification	10.00
Certification late penalty	25.00
Expired registration reissuance	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-841-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.88A.050(1). 99-24-062, § 246-841-990, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-841-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.88A RCW. 96-03-051, § 246-841-990, filed 1/12/96, effective 3/1/96. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-841-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-173-130, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-173-130, filed 10/5/88.]

Chapter 246-843 WAC NURSING HOME ADMINISTRATORS

WAC

246-843-990 Nursing home administrator fees and renewal cycle.

WAC 246-843-990 Nursing home administrator fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal

fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application - Original license	\$200.00
Administrator-in-training	100.00
Application - Endorsement	295.00
Temporary permit	190.00
Renewal	295.00
Inactive license renewal	110.00
Late renewal penalty	145.00
Expired license reissuance	147.50
Late renewal penalty - inactive	55.00
Expired inactive license reissuance	55.00
Duplicate license	15.00
Certification of license	15.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-843-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and chapter 18.52 RCW. 99-24-098, § 246-843-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250 and chapter 18.52 RCW. 94-09-006, § 246-843-990, filed 4/11/94, effective 5/12/94. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-843-990, filed 6/24/93, effective 7/25/93; 91-09-051 (Order 154), § 246-843-990, filed 4/16/91, effective 5/17/91. Statutory Authority: RCW 43.70.040. 91-06-058 (Order 138), recodified as § 246-843-990, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-54-315, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-54-315, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-54-315, filed 8/10/83. Formerly WAC 308-54-310.]

Chapter 246-845 WAC NURSING POOL

WAC

246-845-990 Nursing pool fees and renewal cycle.

WAC 246-845-990 Nursing pool fees and renewal cycle. (1) Registrations must be renewed every year on the date of original issuance as provided in chapter 246-12 WAC, Part 3. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title	Fee
Registration application	\$100.00

Title	Fee
Registration renewal	115.00
Late renewal penalty	57.50
Expired registration reissuance	57.50

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-845-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-845-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-845-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-845-990, filed 6/24/93, effective 7/25/93; 91-13-002 (Order 173), § 246-845-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-845-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-310-010, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-076 (Order 784), § 308-310-010, filed 10/5/88.]

Chapter 246-847 WAC OCCUPATIONAL THERAPISTS

WAC

246-847-065	Continued competency.
246-847-170	Code of ethics and standards of professional conduct.
246-847-190	AIDS education and training.
246-847-210	Unprofessional conduct—Sexual misconduct.
246-847-990	Occupational therapy fees and renewal cycle.

WAC 246-847-065 Continued competency. As required in chapter 246-12 WAC, Part 7, licensed occupational therapists and licensed occupational therapy assistants must complete thirty hours of continuing education every two years. A minimum of twenty hours must be directly related to the practice of occupational therapy as defined in RCW 18.59.020 and WAC 246-847-010. The remaining ten hours may be in professional development activities that enhance the licensed occupational therapist or licensed occupational therapy assistant. The thirty contact hours must be obtained through two or more of the activities listed below. Documentation for all activities must include licensee's name, date of activity, and number of hours. Additional specific documentation is defined below:

(1) Continuing education course work. The required documentation for this activity is a certificate or documentation of attendance.

(2) In-service training. The required documentation for this activity is a certificate or documentation of attendance.

(3) Professional conference or workshop. The required documentation for this activity is a certificate or documentation of attendance.

(4) Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry-level skills or knowledge. The required documentation for this activity is a transcript.

(5) Publications. The required documentation for this activity is a copy of the publication.

(6) Presentations. The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period.

(7) Interactive online courses. The required documentation for this activity is a certificate or documentation of completion.

(8) Development of instructional materials incorporating alternative media such as: Video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process.

(9) Professional manuscript review. The required documentation for this activity is a letter from publishing organization verifying review of manuscript. A maximum of ten hours is allowed per reporting period for this category.

(10) Guest lecturer for occupational therapy related academic course work (academia not primary role). The required documentation for this activity is a letter or other documentation from instructor.

(11) Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of ten hours is allowed per reporting period for this category.

(12) Self study of cassette, tape, video tape, or other multimedia device, or book. The required documentation for this activity is a two page synopsis of each item written by the licensee. A maximum of ten hours is allowed per reporting period for this category.

(13) Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is a name of student(s), letter of verification from school, and dates of fieldwork. A maximum of ten hours per supervisor is allowed per reporting period for this category.

[Statutory Authority: RCW 18.59.130 and 18.59.090. 05-24-105, § 246-847-065, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-847-065, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.59.130. 92-18-015 (Order 300B), § 246-847-065, filed 8/24/92, effective 9/24/92; 91-11-064 (Order 171B), § 246-847-065, filed 5/16/91, effective 6/16/91; 91-05-027 (Order 112B), recodified as § 246-847-065, filed 2/12/91, effective 3/15/91; 90-22-011 (Order 094), § 308-171-041, filed 10/26/90, effective 11/26/90.]

WAC 246-847-170 Code of ethics and standards of professional conduct. (1) It is the professional responsibility of occupational therapists and occupational therapy assistants to provide services for clients without regard to race, creed, national origin, gender, handicap or religious affiliation.

(2) Treatment objectives and the therapeutic process must be formulated to ensure professional accountability.

(3) Services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability.

(4) Occupational therapists and occupational therapy assistants shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.

(5) Occupational therapists and occupational therapy assistants shall accurately represent their competence, education, training and experience.

(6) Occupational therapists and occupational therapy assistants shall only provide services and use techniques for which they are qualified by education, training, and experience.

(7) Occupational therapists and occupational therapy assistants shall accurately record information and report information as required by facility standards and state and federal laws.

(8) All data recorded in permanent files or records shall be supported by the occupational therapist or the occupational therapy assistant's observations or by objective measures of data collection.

(9) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.

(10) Occupational therapists and occupational therapy assistants shall not delegate to other personnel those client-related services where the clinical skills and expertise of an occupational therapist or occupational therapy assistant are required.

(11) If, after evaluating the client, the case is a medical case, the occupational therapist shall refer the case to a physician for appropriate medical direction if such direction is lacking.

(a) Appropriate medical direction shall be sought on at least an annual basis.

(b) A case is not a medical case if the following is present:

(i) There is an absence of pathology; or

(ii) If a pathology exists, the pathology has stabilized; and

(iii) The occupational therapist is only treating the client's functional deficits.

(12) Occupational therapists shall establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs. The occupational therapy assistant shall collaborate with the occupational therapist in this review of the client's treatment objectives.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 05-24-104, § 246-847-170, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 18.59.130. 91-05-027 (Order 112B), recodified as § 246-847-170, filed 2/12/91, effective 3/15/91; 90-22-011 (Order 094), § 308-171-301, filed 10/26/90, effective 11/26/90. Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-301, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.100 (1)(b). 85-12-010 (Order PL 529), § 308-171-301, filed 5/23/85.]

WAC 246-847-190 AIDS education and training. Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

[Statutory Authority: RCW 18.59.130 and 70.24.270. 05-24-107, § 246-847-190, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-847-190, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.59.130. 94-20-036, § 246-847-190, filed 9/28/94, effective 10/29/94; 91-05-027 (Order 112B), recodified as § 246-847-190, filed 2/12/91, effective 3/15/91; 90-22-011 (Order 094), § 308-171-320, filed 10/26/90, effective 11/26/90. Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-320, filed 12/20/88.]

WAC 246-847-210 Unprofessional conduct—Sexual misconduct. (1) The occupational therapist and occupational therapy assistant shall never engage in sexual contact or sexual activity with current clients.

(2) Sexual contact or sexual activity is prohibited with a former client for two years after cessation or termination of professional services.

(3) The occupational therapist and occupational therapy assistant shall never engage in sexual contact or sexual activ-

ity with former clients if such contact or activity involves the abuse of the occupational therapy practitioner-client relationship. Factors which the board may consider in evaluating if the occupational therapy practitioner-client relationship has been abusive includes, but is not limited to:

- (a) The amount of time that has passed since therapy terminated;
- (b) The nature and duration of the therapy;
- (c) The circumstances of cessation or termination;
- (d) The former client's personal history;
- (e) The former client's current mental status;
- (f) The likelihood of adverse impact on the former client and others; and
- (g) Any statements or actions made by the occupational therapist or occupational therapy assistant during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the former client.

(4) These rules do not prohibit:

(a) The provision of occupational therapy services on an urgent, unforeseen basis where circumstances will not allow an occupational therapist or occupational therapy assistant to obtain reassignment or make an appropriate referral;

(b) The provision of occupational therapy services to a spouse or any other person who is in a preexisting, established relationship with the occupational therapist or occupational therapy assistant where no evidence of abuse of the occupational therapy practitioner-client relationship exists.

[Statutory Authority: RCW 18.59.130 and 18.130.180. 05-24-106, § 246-847-210, filed 12/7/05, effective 1/7/06.]

WAC 246-847-990 Occupational therapy fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for occupational therapist:

Title of Fee	Fee
Application and initial license fee	\$125.00
License renewal	95.00
Limited permit fee	40.00
Late renewal fee	50.00
Expired license reissuance	50.00
Inactive license	5.00
Expired inactive license reissuance	5.00
Duplicate	15.00
Certification of license	25.00

(3) The following nonrefundable fees will be charged for occupational therapy assistant:

Title of Fee	Fee
Application and initial license fee	125.00
License renewal	70.00
Late renewal fee	50.00
Expired license reissuance	50.00
Inactive license	5.00
Expired inactive license reissuance	5.00
Limited permit fee	40.00
Duplicate	15.00
Certification of license	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-847-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-847-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-847-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250 and chapters 18.57, 18.57A, 18.22 and 18.59 RCW. 94-22-055, § 246-847-990, filed 11/1/94, effective 1/1/95. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-847-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-05-030 (Order 135), recodified as § 246-847-990, filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-171-310, filed 5/1/87.]

Chapter 246-849 WAC OCULARISTS

WAC

246-849-990 Ocularist fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-849-995 Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280. 98-05-060, § 246-849-995, filed 2/13/98, effective 3/16/98.] Repealed by 05-12-012, filed 5/20/05, effective 7/1/05. Statutory Authority: 43.70.250, [43.70.]280 and 43.70.110.

WAC 246-849-990 Ocularist fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application and examination	\$125.00
Renewal	225.00
Late renewal penalty	112.50
Expired license reissuance	112.50
Duplicate license	25.00
Certification of license	25.00
Apprentice registration	25.00
Apprentice renewal	25.00
Temporary practice permit	25.00
Retired active license	50.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-849-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-849-990, filed 4/6/99, effective 7/1/99.]

Statutory Authority: RCW 43.70.280. 98-05-060, § 246-849-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-849-990, filed 6/24/93, effective 7/25/93; 92-02-018 (Order 224), § 246-849-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-849-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-55-025, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-55-025, filed 8/10/83. Formerly WAC 308-55-010.]

Chapter 246-850 WAC

ORTHOTICS AND PROSTHETICS RULES

WAC

246-850-990 Orthotic and prosthetic fees.

WAC 246-850-990 Orthotic and prosthetic fees. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Orthotic application	\$250.00
Prosthetic application	250.00
Orthotic renewal	150.00
Prosthetic renewal	150.00
Late renewal penalty fee	75.00
Expired credential reissuance fee	75.00
Inactive credential renewal fee	125.00
Late inactive renewal fee	62.50
Retired active credential renewal fee	125.00
Late retired active credential renewal fee	62.50
Duplicate credential or wall certificate	15.00
Certification	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-850-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 03-21-116, § 246-850-990, filed 10/20/03, effective 12/31/03. Statutory Authority: RCW 18.200.050(1). 98-21-086, § 246-850-990, filed 10/21/98, effective 11/21/98.]

Chapter 246-851 WAC

OPTOMETRISTS

WAC

246-851-990 Optometry fees and renewal cycle.

WAC 246-851-990 Optometry fees and renewal cycle. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable

reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$125.00
Out-of-state seminar	100.00
License renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-851-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-851-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-851-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 96-20-088, § 246-851-990, filed 10/1/96, effective 11/1/96; 95-14-111, § 246-851-990, filed 6/30/95, effective 7/31/95; 92-23-006 (Order 311), § 246-851-990, filed 11/5/92, effective 12/6/92; 92-06-029 (Order 246), § 246-851-990, filed 2/26/92, effective 3/28/92. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-851-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-06-028 (Order 137), recodified as § 246-851-990, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-53-020, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-53-020, filed 8/10/83. Formerly WAC 308-53-310.]

Chapter 246-853 WAC

OSTEOPATHIC PHYSICIANS AND SURGEONS

WAC

246-853-990 Osteopathic fees and renewal cycle.

WAC 246-853-990 Osteopathic fees and renewal cycle. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) The following nonrefundable fees will be charged for osteopathy:

Title of Fee	Fee
Active renewal	\$475.00
Active late renewal penalty	237.50
Certification of license	50.00

(4) The following nonrefundable fees will be charged for osteopathic physician:

Title of Fee	Fee
Endorsement application	650.00
Active license renewal	475.00
Active late renewal penalty	237.50
Active expired license reissuance	237.50
Inactive license renewal	350.00
Expired inactive license reissuance	175.00
Inactive late renewal penalty	175.00
Endorsement/state exam application	750.00
Reexam	100.00
Certification of license	50.00
Limited license application	300.00
Limited license renewal	250.00
Temporary permit application	70.00
Duplicate certificate	20.00
Substance abuse monitoring surcharge	25.00

(5) The following nonrefundable fees will be charged for osteopathic physician assistant:

Title of Fee	Fee
Application	250.00
Renewal	200.00
Late renewal penalty	100.00
Expired license reissuance	100.00
Certification of license	30.00
Practice plan	70.00
Interim permit	167.00
License after exam	83.00
Duplicate certificate	20.00
Substance abuse monitoring surcharge	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-853-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-24-063, § 246-853-990, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-853-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250 and chapters 18.57, 18.57A, 18.22 and 18.59 RCW. 94-22-055, § 246-853-990, filed 11/1/94, effective 1/1/95. Statutory Authority: RCW 43.70.250. 92-14-054 (Order 281), § 246-853-990, filed 6/25/92, effective 7/26/92; 91-21-034 (Order 200), § 246-853-990, filed 10/10/91, effective 11/10/91; 91-13-002 (Order 173), § 246-853-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-853-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-138-080, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-138-080, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-138-080, filed 8/10/83. Formerly WAC 308-138-060.]

Chapter 246-869 WAC PHARMACY LICENSING

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-869-095	Facsimile transmission of prescription orders. [Statutory Authority: RCW 18.64.005. 92-14-032 (Order 283B), § 246-869-095, filed 6/23/92, effective 7/24/92.] Repealed by 05-07-108, filed 3/18/05, effective 4/18/05. Statutory Authority: RCW 18.64.005.
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Chapter 246-887 WAC PHARMACY—REGULATIONS IMPLEMENTING THE UNIFORM CONTROLLED SUBSTANCES ACT

WAC

246-887-220	Chemical capture programs.
246-887-230	Registration requirements.
246-887-240	Authorized individuals.
246-887-250	Controlled substances training.
246-887-260	Storage requirements.
246-887-270	Controlled substances records and reports.
246-887-280	Approved controlled substances.
246-887-290	Controlled substances registration disciplinary actions.

WAC 246-887-220 Chemical capture programs. Purpose. Wildlife management programs often require the use of controlled substances for chemical capture programs. The purpose of these rules is to set requirements for the use of controlled substances in department of fish and wildlife chemical capture programs. Chemical capture includes immobilization of individual animals in order for the animals to be moved, treated, examined, or other legitimate purpose.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-220, filed 10/5/05, effective 11/8/05.]

WAC 246-887-230 Registration requirements. (1) The department of fish and wildlife may apply to the board for a limited registration under chapter 69.50 RCW (Controlled Substance Act) to purchase, possess, and administer controlled substances for use in chemical capture programs.

(2) Each department of fish and wildlife field office that stores controlled substances must register with the board. The department of fish and wildlife shall notify the board in writing of the names of individuals who are authorized to possess and administer controlled substances.

(3) In addition, the department of fish and wildlife shall designate one individual at each field office who shall be responsible for the ordering, possession, safe storage, and utilization of controlled substances. The department of fish and wildlife shall notify the board in writing of the name of the designated individual.

(4) Controlled substances obtained under this limited registration shall be for veterinary use only.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-230, filed 10/5/05, effective 11/8/05.]

WAC 246-887-240 Authorized individuals. To be eligible to possess and/or administer controlled substances, individuals must successfully complete an approved training program. The following individuals are authorized to possess and administer controlled substances:

- (1) Department of fish and wildlife officers;
- (2) Department of fish and wildlife biologists; and

(3) Department of fish and wildlife veterinarians.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-240, filed 10/5/05, effective 11/8/05.]

WAC 246-887-250 Controlled substances training.

The department of fish and wildlife shall establish written policies and procedures to ensure that officers and biologists who administer controlled substances have received sufficient training. The training shall include, at a minimum, the safe handling and administration of controlled substances and the potential hazards. Officers and biologists must be able to demonstrate adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

The written policies and procedures shall be approved by the board. Any amendments or deletions to the policies and procedures must be approved by the board prior to implementation.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-250, filed 10/5/05, effective 11/8/05.]

WAC 246-887-260 Storage requirements. Each registered location shall store the controlled substances in a securely locked, substantially constructed cabinet. Keys to the storage area shall be restricted to those persons authorized by the department of fish and wildlife to possess and administer the drugs.

Schedule II controlled substances shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

In addition to field offices, the department of fish and wildlife may allow officers, biologists, and veterinarians to possess a supply of controlled substances for use in the field. The field supply shall be stored in a locked metal box securely attached to a vehicle. The designated officer, biologist, or veterinarian shall be responsible to ensure that the controlled substances are accounted for at all times. All receipts and use of controlled substances from the field supply shall be recorded in a bound logbook with sequentially numbered pages.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-260, filed 10/5/05, effective 11/8/05.]

WAC 246-887-270 Controlled substances records and reports. (1) The department of fish and wildlife shall be responsible for maintaining all records and submitting all reports required by federal or state law or regulation.

(2) A bound logbook with sequentially numbered pages shall be kept documenting the receipt and disposition of all controlled substances. In addition, all receipts and invoices shall be maintained for a period of two years.

(3) All records shall be available for inspection by the board or any officer who is authorized to enforce this chapter.

(4) A physical inventory of approved controlled substances shall be performed, reconciled, and documented every twelve months. The inventory shall be signed and dated by the designated individual.

(5) Any discrepancy in the actual inventory of approved controlled substances shall be documented and reported immediately to the responsible supervisor who shall investi-

gate the discrepancy. Any discrepancy that has not been corrected within seven days shall be reported in writing to the board of pharmacy and the Drug Enforcement Administration (DEA).

(6) Unwanted or unused controlled substances shall be returned to the manufacturer or destroyed in accordance with the rules and requirements of the board, the Drug Enforcement Administration, and the department of ecology.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-270, filed 10/5/05, effective 11/8/05.]

WAC 246-887-280 Approved controlled substances.

(1) The following controlled substances are hereby designated as approved controlled substances for use by officers and biologists of the department of fish and wildlife for chemical capture programs:

- (a) Ketamine;
- (b) Tiletamine and zolazepam (Telazol);
- (c) Diazepam (Valium);
- (d) Carfentanil (Wildnil); and
- (e) Diprenorphine.

(2) Other controlled substances as approved by rule of the board after consultation with the department of fish and wildlife.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-280, filed 10/5/05, effective 11/8/05.]

WAC 246-887-290 Controlled substances registration disciplinary actions. In addition to any criminal or civil liabilities that may occur, the board may suspend or revoke a registration upon determination that the person administering controlled substances has not demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

[Statutory Authority: RCW 69.50.320, 18.64.005. 05-20-106, § 246-887-290, filed 10/5/05, effective 11/8/05.]

Chapter 246-889 WAC**PHARMACEUTICAL—PRECURSOR SUBSTANCE CONTROL****WAC**

246-889-070	Retail sales logs for ephedrine, pseudoephedrine, and phenylpropanolamine products.
246-889-075	Definitions.
246-889-080	Records of sale.
246-889-085	Requirements for the sale of an ephedrine, pseudoephedrine, or phenylpropanolamine product.
246-889-090	Acceptable forms of photo identification.
246-889-095	Record of sale.
246-889-100	Methods for collecting, recording, and storing records of sales data.
246-889-105	Record retention and destruction.
246-889-110	Access to retail records of sales.

WAC 246-889-070 Retail sales logs for ephedrine, pseudoephedrine, and phenylpropanolamine products. Purpose.

The legislature has recognized that restricting access to ephedrine, pseudoephedrine, and phenylpropanolamine products, or their salts or isomers, is a valid method to reduce the availability of these products for the illegal manufacture of methamphetamine. To reduce the illegal use of these products in the manufacture of methamphetamine, while continu-

ing access for legitimate purposes, the legislature directed the board to adopt rules for the recording of retail sales involving ephedrine, pseudoephedrine or phenylpropanolamine products. The record of sales must be collected and maintained in a written or electronic log or other alternative means. Data from this log will be used to determine if the log is an effective law enforcement tool and if the information received is an effective deterrent to criminal activity. The following rules describe the requirements for the transaction logs.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-070, filed 12/22/05, effective 1/1/06.]

WAC 246-889-075 Definitions. (1) "Ephedrine, pseudoephedrine, and phenylpropanolamine products" means any product containing any detectable quantity of ephedrine, pseudoephedrine or phenylpropanolamine.

(2) "Retailer" means a pharmacy licensed by, or shop-keeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner as defined in chapter 69.43 RCW.

(3) "Sale" means the sale, transfer, or otherwise furnishing of any ephedrine, pseudoephedrine, or phenylpropanolamine product to any person.

(4) "Law enforcement" means any general or limited authority Washington peace officer.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-075, filed 12/22/05, effective 1/1/06.]

WAC 246-889-080 Records of sale. Exemptions. You must keep a record of a sale except when:

(1) The sale of any product containing ephedrine, pseudoephedrine or phenylpropanolamine that is in liquid, liquid capsule, or in a gel capsule form and is combined with another active ingredient.

(2) The sale of any ephedrine, pseudoephedrine or phenylpropanolamine product that is sold via a prescription written by an authorized practitioner.

(3) The sale of any ephedrine, pseudoephedrine, or phenylpropanolamine product is recorded in a pharmacy profile and the profile is maintained by the pharmacy. The profile must be the individualized record for the purchaser, containing identifying information, including, but not limited to, name, address, date of purchase, purchaser's date of birth, and product description.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-080, filed 12/22/05, effective 1/1/06.]

WAC 246-889-085 Requirements for the sale of an ephedrine, pseudoephedrine, or phenylpropanolamine product. Unless exempted in WAC 246-889-080, a retailer must:

(1) Review the purchaser's photo identification. The photo identification must include the date of birth of the purchaser. The purchaser must be eighteen years of age or older.

(2) Record the information detailed in WAC 246-889-095 for the record of transaction.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-085, filed 12/22/05, effective 1/1/06.]

WAC 246-889-090 Acceptable forms of photo identification. To be an acceptable form of identification, the identification must be issued by a government agency and include the person's photograph, name, address, date of birth, and signature. The following are acceptable forms of identification:

(1) A driver's license or instruction permit issued by any U.S. state or province of Canada. If the customer's driver's license has expired, he/she must also show a valid temporary driver's license with the expired card.

(2) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(3) A merchant marine identification card issued by the United States Coast Guard.

(4) A state liquor control identification card. An official age identification card issued by the liquor control authority of any U.S. state or Canadian province.

(5) A state identification card issued by any U.S. state or province of Canada.

(6) An official passport issued by any nation.

(7) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses and are recognized by the liquor control board.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-090, filed 12/22/05, effective 1/1/06.]

WAC 246-889-095 Record of sale. Information required. The retailer must record:

(1) Date of purchase;

(2) Name of the purchaser;

(3) Date of birth of the purchaser;

(4) Type of identification, agency issuing the identification, and the identification number if applicable; and

(5) Number of packages and the number of tablets per package.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-095, filed 12/22/05, effective 1/1/06.]

WAC 246-889-100 Methods for collecting, recording, and storing records of sales data. Sales records must be maintained on a written or electronic log and must be readily retrievable and contain all information required in WAC 246-889-095. Methods other than electronic or written must be approved in advance by the board of pharmacy and must contain all the information required for a written or electronic log and be retained for the same period of time as a written or electronic log.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-100, filed 12/22/05, effective 1/1/06.]

WAC 246-889-105 Record retention and destruction. The retailer must maintain transaction records for two years. Sales records may be destroyed after the retention period of two years. When records are destroyed, the records must be destroyed in a manner that leaves the record unidentifiable and nonretrievable.

[Statutory Authority: RCW 69.43.170, 18.64.005. 06-02-010, § 246-889-105, filed 12/22/05, effective 1/1/06.]

WAC 246-889-110 Access to retail records of sales.

Records of sales are confidential and are only open to inspection by the board of pharmacy and law enforcement agencies. The retailer does not have to transmit records to law enforcement or the board of pharmacy. Law enforcement and/or the board of pharmacy will request and obtain records if they are needed. Retailers shall also produce the records in a court whenever lawfully required to do so.

[Statutory Authority: RCW 69.43.170, 18.64.005, 06-02-010, § 246-889-110, filed 12/22/05, effective 1/1/06.]

Chapter 246-907 WAC**PHARMACEUTICAL LICENSING PERIODS AND FEES****WAC**

246-907-030 Pharmaceutical licensing periods and fees—Fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-907-995 Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280, 98-05-060, § 246-907-995, filed 2/13/98, effective 3/16/98.] Repealed by 05-12-012, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110.

WAC 246-907-030 Pharmaceutical licensing periods and fees—Fees and renewal cycle. (1) Pharmacist, pharmacy technician, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy technician utilization, and shopkeepers differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

Title of fee	Fee
Original pharmacy fee	\$365.00
Original pharmacy technician utilization fee	65.00
Renewal pharmacy fee	265.00
Renewal pharmacy technician utilization fee	75.00
Penalty pharmacy fee	132.50

(5) The following nonrefundable fees will be charged for vendor:

Original fee	75.00
Renewal fee	75.00
Penalty fee	50.00

(6) The following nonrefundable fees will be charged for pharmacist:

Original license fee	130.00
Renewal fee, active and inactive license	135.00
Renewal fee, retired license	20.00
Penalty fee	67.50
Expired license reissuance (active and inactive)	67.50
Reciprocity fee	330.00
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	65.00

(7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	35.00
Renewal fee	35.00
Penalty fee	35.00
Shopkeeper - with differential hours:	
Original fee	35.00
Renewal fee	35.00
Penalty fee	35.00

(8) The following nonrefundable fees will be charged for drug manufacturer:

Original fee	590.00
Renewal fee	590.00
Penalty fee	295.00

(9) The following nonrefundable fees will be charged for drug wholesaler - full line:

Original fee	590.00
Renewal fee	590.00
Penalty fee	295.00

(10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:

Original fee	330.00
Renewal fee	330.00
Penalty fee	165.00

(11) The following nonrefundable fees will be charged for drug wholesaler - export:

Original fee	590.00
Renewal fee	590.00
Penalty	295.00

(12) The following nonrefundable fees will be charged for drug wholesaler - export nonprofit humanitarian organization.

Original fee	25.00
Renewal fee	25.00
Penalty	25.00

(13) The following nonrefundable fees will be charged for pharmacy technician:

Original fee	50.00
Renewal fee	40.00
Penalty fee	40.00
Expired license reissuance	40.00

(14) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	20.00
Renewal registration fee	20.00

(15) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

Registrations	
Dispensing registration fee (i.e. pharmacies and health care entities)	80.00
Dispensing renewal fee (i.e. pharmacies and health care entities)	65.00
Distributors registration fee (i.e. wholesalers)	115.00
Distributors renewal fee (i.e. wholesalers)	115.00
Manufacturers registration fee	115.00
Manufacturers renewal fee	115.00
Sodium pentobarbital for animal euthanization registration fee	40.00
Sodium pentobarbital for animal euthanization renewal fee	40.00
Other CSA registrations	40.00

(16) The following nonrefundable fees will be charged for legend drug sample - distributor:

Registration fees	
Original fee	365.00
Renewal fee	265.00
Penalty fee	132.50

(17) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	40.00
Renewal fee	40.00

(18) The following nonrefundable fees will be charged for facility inspection fee:

200.00

(19) The following nonrefundable fees will be charged for precursor control permit:

Original fee	65.00
Renewal fee	65.00

(20) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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(21) The following nonrefundable fees will be charged for health care entity:

Original fee	365.00
Renewal	265.00
Penalty	132.50

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-907-030, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.64.310, 18.64A.010. 01-23-101, § 246-907-030, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 43.70.040, 42.70.250, and 18.64.310. 01-12-052, § 246-907-030, filed 6/1/01, effective 7/2/01. Statutory Authority: RCW 43.70.250. 98-10-052, § 246-907-030, filed 4/29/98, effective 5/30/98. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-907-030, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.040. 97-06-019, § 246-907-030, filed 2/25/97, effective 3/28/97. Statutory Authority: RCW 18.64.005. 94-05-036, § 246-907-030, filed 2/8/94, effective 3/11/94; 93-18-015, § 246-907-

030, filed 8/24/93, effective 9/24/93; 93-05-045 (Order 334), § 246-907-030, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.70.250. 92-07-099 (Order 256), § 246-907-030, filed 3/18/92, effective 4/18/92. Statutory Authority: RCW 43.70.040. 91-19-028 (Order 194), recodified as § 246-907-030, filed 9/10/91, effective 10/11/91. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 360-18-020, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 18.64.005. 89-04-015 (Order 222), § 360-18-020, filed 1/23/89; 88-14-042 (Order 216), § 360-18-020, filed 6/30/88; 88-07-011 (Order 209), § 360-18-020, filed 3/3/88; 87-18-066 (Order 207), § 360-18-020, filed 9/2/87. Statutory Authority: RCW 18.64.005(4). 85-22-033 (Order 196), § 360-18-020, filed 10/31/85; 85-06-010 (Order 193), § 360-18-020, filed 2/22/85. Statutory Authority: RCW 18.64.005. 84-17-142 (Order 189), § 360-18-020, filed 8/22/84; 84-04-030 (Order 184), § 360-18-020, filed 1/25/84; 83-22-034 (Order 177), § 360-18-020, filed 10/26/83. Statutory Authority: RCW 18.64.005 and 18.64A.020. 83-18-021 (Order 175), § 360-18-020, filed 8/30/83. Statutory Authority: RCW 18.64.005(12). 82-12-041 (Order 168), § 360-18-020, filed 5/28/82. Statutory Authority: RCW 18.64.005 (4) and (11). 80-08-035 (Order 155, Resolution No. 6/80), § 360-18-020, filed 6/26/80, effective 9/30/80; 80-05-074 (Order 154, Resolution No. 4/80), § 360-18-020, filed 4/28/80.]

Chapter 246-915 WAC

PHYSICAL THERAPISTS

WAC

246-915-040	Licensure by endorsement—Applicants from approved schools.
246-915-050	Reinstatement.
246-915-100	Approved physical therapy schools.
246-915-105	Approved physical therapist assistant schools.
246-915-180	Professional conduct principles.
246-915-350	Inactive credential.
246-915-990	Physical therapy fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-915-150	Physical therapist assistant and physical therapy aide supervision ratio. [Statutory Authority: RCW 18.74.023. 92-08-039 (Order 259B), § 246-915-150, filed 3/24/92, effective 4/24/92; 91-05-094 (Order 144B), § 246-915-150, filed 2/20/91, effective 3/23/91; 91-02-011 (Order 103B), recodified as § 246-915-150, filed 12/21/90, effective 1/31/91; 85-11-049 (Order PL 531), § 308-42-136, filed 5/16/85.] Repealed by 05-09-046, filed 4/18/05, effective 5/19/05. Statutory Authority: Chapter 18.74 RCW.
246-915-170	Special requirements for physical therapist assistant utilization. [Statutory Authority: RCW 18.74.023. 91-05-094 (Order 144B), § 246-915-170, filed 2/20/91, effective 3/23/91; 91-02-011 (Order 103B), recodified as § 246-915-170, filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023(3). 89-19-007 (Order PM 859), § 308-42-145, filed 9/8/89, effective 10/9/89. Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-145, filed 8/8/84.] Repealed by 05-09-046, filed 4/18/05, effective 5/19/05. Statutory Authority: Chapter 18.74 RCW.

WAC 246-915-040 Licensure by endorsement—Applicants from approved schools. (1) Before licensure by endorsement is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the applicant shall have graduated from a board approved school, shall have taken the examination for physical therapy and shall have achieved a passing score approved by the board.

(2) If the decision to extend licensure by endorsement is based on an examination other than the examination approved in WAC 246-915-030(1), the board shall determine if such examination is equivalent to that required by the laws of this state.

(3) The board shall not recommend to the secretary that a person be licensed as a physical therapist under the licensure by endorsement provisions of RCW 18.74.060, unless said applicant shall have taken and passed the examination approved by the board, or other examination equivalent to that required by the laws of this state.

(4) If a licensee has not worked in physical therapy in the last three years, the applicant may be granted licensure by endorsement under the following conditions:

(a) The board may require reexamination of an applicant who has not been actively engaged in lawful practice in another state or territory; or

(b) Waive reexamination in favor of evidence of continuing competency satisfactory to the board.

[Statutory Authority: RCW 18.74.023. 05-06-022, § 246-915-040, filed 2/22/05, effective 3/25/05; 94-05-014 (Order 403B), § 246-915-040, filed 2/4/94, effective 3/7/94; 91-05-094 (Order 144B), § 246-915-040, filed 2/20/91, effective 3/23/91; 91-02-011 (Order 103B), recodified as § 246-915-040, filed 12/21/90, effective 1/31/91. Statutory Authority: Chapter 18.74 RCW. 90-16-070 (Order 074), § 308-42-060, filed 7/30/90, effective 8/30/90. Statutory Authority: RCW 18.74.023. 86-19-063 (Order PM 619), § 308-42-060, filed 9/16/86; 84-17-032 (Order PL 477), § 308-42-060, filed 8/8/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-060, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-060, filed 9/15/81; Order PL 191, § 308-42-060, filed 5/29/75; Order 704207, § 308-42-060, filed 8/7/70, effective 9/15/70.]

WAC 246-915-050 Reinstatement. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2. Before recommending reinstatement, the board may require reexamination and may impose any other requirements necessary to ensure professional competence and protect the public.

[Statutory Authority: RCW 18.74.023. 05-03-009, § 246-915-050, filed 1/6/05, effective 2/6/05. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-915-050, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.74.023. 94-05-014 (Order 403B), § 246-915-050, filed 2/4/94, effective 3/7/94; 91-05-094 (Order 144B), § 246-915-050, filed 2/20/91, effective 3/23/91; 91-02-011 (Order 103B), recodified as § 246-915-050, filed 12/21/90, effective 1/31/91; 84-03-055 (Order PL 455), § 308-42-070, filed 1/18/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-070, filed 2/10/83.]

WAC 246-915-100 Approved physical therapy schools. The board adopts the standards of the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education for the approval of physical therapy schools. Individuals who have a baccalaureate degree in physical therapy or who have a baccalaureate degree and a certificate or advanced degree from an institution of higher learning accredited by the American Physical Therapy Association's Commission on Accreditation in

Physical Therapy Education will be considered qualified under RCW 18.74.030(2).

[Statutory Authority: RCW 18.74.023. 05-06-020, § 246-915-100, filed 2/22/05, effective 3/25/05; 91-02-011 (Order 103B), recodified as § 246-915-100, filed 12/21/90, effective 1/31/91; 85-10-002 (Order PL 525), § 308-42-122, filed 4/18/85.]

WAC 246-915-105 Approved physical therapist assistant schools. A board approved physical therapist assistant program shall mean a United States physical therapist assistant education program accredited by the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education or a United States military physical therapy technician program that is substantially equivalent to an accredited United States physical therapist assistant program.

[Statutory Authority: RCW 18.74.023. 05-06-021, § 246-915-105, filed 2/22/05, effective 3/25/05.]

WAC 246-915-180 Professional conduct principles.

(1) The patient's lawful consent is to be obtained before any information related to the patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate or to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts that are in violation of chapter 18.74 RCW or any rules established by the board.

(4) It is the licensee's responsibility to recognize the boundaries of his or her own professional competencies and that he or she uses only those in which he or she can prove training and experience.

(5) Physical therapists shall recognize the need for continuing education and shall be open to new procedures and changes.

(6) It is the licensee's responsibility to represent his or her academic credentials in a way that is not misleading to the public.

(7) It is the responsibility of the physical therapist to refrain from undertaking any activity in which his or her personal problems are likely to lead to inadequate performance or harm to a client and/or colleague.

(8) A physical therapist shall not use or allow to be used any form of public communication or advertising connected with his or her profession or in his or her professional capacity as a physical therapist which:

- (a) Is false, fraudulent, deceptive, or misleading;
- (b) Uses testimonials;
- (c) Guarantees any treatment or result;
- (d) Makes claims of professional superiority.

(9) Physical therapists are to recognize that each individual is different from all other individuals and to be tolerant of and responsive to those differences.

(10) Physical therapists shall not receive reimbursement for evaluating or treating him or herself.

(11) Physical therapists shall only delegate physical therapy tasks to trained supportive personnel as defined in WAC 246-915-010 (4)(a) and (b).

[Statutory Authority: RCW 18.74.023. 05-06-023, § 246-915-180, filed 2/22/05, effective 3/25/05; 92-08-039 (Order 259B), § 246-915-180, filed 3/24/92, effective 4/24/92; 91-05-094 (Order 144B), § 246-915-180, filed 2/20/91, effective 3/23/91; 91-02-011 (Order 103B), recodified as § 246-915-180, filed 12/21/90, effective 1/31/91; 84-13-057 (Order PL 471), § 308-42-150, filed 6/19/84.]

WAC 246-915-350 Inactive credential. (1) A physical therapist may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) Practitioners with an inactive credential for three years or less who wish to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(3) Practitioners with an inactive credential for more than three years, who have been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Submit verification of active practice from any other United States jurisdiction; and

(b) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) Practitioners with an inactive credential for more than three years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Successfully pass the examination as provided in RCW 18.74.035. The board may waive reexamination if the practitioner presents evidence of continuing competency satisfactory to the board; and

(b) Must meet the requirements of chapter 246-12 WAC, Part 2.

[Statutory Authority: RCW 18.74.073. 05-09-003, § 246-915-350, filed 4/7/05, effective 5/8/05.]

WAC 246-915-990 Physical therapy fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$100.00
License renewal	65.00
Late renewal penalty	50.00
Inactive license renewal	35.00

Title of Fee	Fee
Expired inactive license reissuance	50.00
Expired license reissuance	50.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-915-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.74.073. 05-09-003, § 246-915-990, filed 4/7/05, effective 5/8/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-915-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-915-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-915-990, filed 6/6/91, effective 7/7/91; 91-05-004 (Order 128), § 246-915-990, filed 2/7/91, effective 3/10/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-915-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-42-075, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-42-075, filed 8/10/83. Formerly WAC 308-42-100.]

Chapter 246-918 WAC

PHYSICIAN ASSISTANTS—MEDICAL QUALITY ASSURANCE COMMISSION

WAC

246-918-990 Physician assistants fees and renewal cycle.

WAC 246-918-990 Physician assistants fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The applicant or licensee must pay the following nonrefundable fees:

Title of Fee	Fee
Physician assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants:	
Application*	\$50.00
Two-year renewal*	70.00
Expired license reissuance	35.00
Duplicate license	15.00
Impaired physician program surcharge	25.00
*(assessed at \$25.00 on each application and for each year of the renewal period as required in RCW 18.71.310(2))	

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-918-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.71.017, 18.71A.020 and 43.70.280. 02-05-009, § 246-918-990, filed 2/8/02, effective 3/11/02. Statutory Authority: RCW 18.71.017, 18.130.050(1), 18.130.040(4), 18.130.050(12) and 18.130.340. 99-23-090, § 246-918-990, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 18.71.017 and 18.71A.020(3). 99-13-087, § 246-918-990, filed 6/14/99, effective 7/15/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-918-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-918-990, filed 1/17/96, effective 3/1/96.]

tive 2/17/96. Statutory Authority: RCW 43.70.040, 91-06-027 (Order 131), § 246-918-990, filed 2/26/91, effective 3/29/91.]

Chapter 246-919 WAC

MEDICAL QUALITY ASSURANCE COMMISSION

WAC

246-919-330 Postgraduate medical training defined.
246-919-990 Physician and surgeon fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-919-600 Prescriptions—Schedule II stimulant drugs. [Statutory Authority: RCW 18.71.017 and 18.71A.020, 96-03-073, § 246-919-600, filed 1/17/96, effective 2/17/96.] Repealed by 05-10-065, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 18.71.017.

WAC 246-919-330 Postgraduate medical training defined. (1) For the purposes of this chapter, postgraduate medical training means clinical training approved by the commission in general medicine or surgery, or a specialty or subspecialty in the field of medicine or surgery as recognized by the American Board of Medical Specialties and listed in the 2004 *Official ABMS Annual Report and Reference Handbook*, published March 18, 2004.

(2) The commission approves only the following postgraduate clinical training courses:

(a) Programs accredited by the Accreditation Council for Graduate Medical Education (ACGME) which are listed in the 1984-85 directory of residency programs, or programs approved by the Accreditation Council at the time of residency.

(b) Programs accredited by the Royal College of Physicians and Surgeons of Canada (RCPSC) or the College of Family Physicians of Canada (CFPC), or programs accredited by the RCPSC or CFPC at the time of residency.

(3) Postgraduate medical training includes, but is not limited to, internships, residencies and medical or surgical fellowships.

(4) The physician must acquire this training after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71.055. The commission will accept only satisfactory clinical performance evaluations.

[Statutory Authority: RCW 18.71.017 and 18.71.050, 05-07-024, § 246-919-330, filed 3/7/05, effective 4/7/05. Statutory Authority: RCW 18.71.017, 18.71.050 and chapter 18.71 RCW, 01-18-087, § 246-919-330, filed 9/5/01, effective 10/6/01. Statutory Authority: RCW 18.71.017 and 18.71A.020, 96-03-073, § 246-919-330, filed 1/17/96, effective 2/17/96.]

WAC 246-919-990 Physician and surgeon fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses and retired active physician licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall

remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program date. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) Retired active physician licenses shall be renewed every year. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(4) The applicants and licensees must pay the following nonrefundable fees:

Title of Fee	Fee
Physicians and surgeons: Chapter 18.71 RCW	
Application*	\$300.00
Retired active physician license renewal*	100.00
Retired active late renewal penalty	50.00
Two-year renewal*	400.00
Late renewal penalty	100.00
Expired license reissuance	200.00
Certification of license	50.00
Duplicate license	15.00
Temporary permit	50.00
Application fee for transitioning from a postgraduate training limited license*	100.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application*	200.00
Limited license renewal*	200.00
Limited duplicate license	15.00
Impaired physician program *(assessed at \$25.00 on each application and for each year of the renewal period as required in RCW 18.71.-310(2))	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110, 05-12-012, § 246-919-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.71.017, 18.71A.020 and 43.70.280, 02-05-009, § 246-919-990, filed 2/8/02, effective 3/11/02. Statutory Authority: RCW 18.71.017, 18.130.050(1), 18.130.040(4), 18.130.050(12) and 18.130.340, 99-23-090, § 246-919-990, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 43.70.280, 98-05-060, § 246-919-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.71.017 and 43.70.250, 97-15-100, § 246-919-990, filed 7/21/97, effective 8/21/97. Statutory Authority: RCW 18.71.017 and 18.71A.020, 96-03-073, § 246-919-990, filed 1/17/96, effective 2/17/96.]

Chapter 246-922 WAC
PODIATRIC PHYSICIANS AND SURGEONS

WAC

246-922-990 Podiatry fees and renewal cycle.

**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

246-922-995 Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280, 98-05-060, § 246-922-995, filed 2/13/98, effective 3/16/98.] Repealed by 05-12-012, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110.

WAC 246-922-990 Podiatry fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except for postgraduate training limited licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application (examination and reexamination)	\$825.00
Reciprocity application	825.00
License renewal	825.00
Inactive license renewal	135.00
Inactive late renewal penalty	67.50
Active late renewal penalty	300.00
Active expired license reissuance	300.00
Expired inactive license reissuance	67.50
Duplicate license	30.00
Certification of license	50.00
Retired active status	150.00
Temporary practice permit	50.00
Limited license application	400.00
Limited license renewal	480.00
Substance abuse monitoring surcharge	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-922-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.22.120. 01-23-101, § 246-922-990, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 43.70.250. 99-24-064, § 246-922-990, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-922-990, filed

2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250 and chapters 18.57, 18.57A, 18.22 and 18.59 RCW. 94-22-055, § 246-922-990, filed 11/1/94, effective 1/1/95. Statutory Authority: RCW 43.70.250. 92-14-053 (Order 280), § 246-922-990, filed 6/25/92, effective 7/26/92; 91-13-002 (Order 173), § 246-922-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-05-029 (Order 134), recodified as § 246-922-990, filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 43.70.250 and chapter 18.22 RCW. 90-16-057 (Order 072), § 308-31-055, filed 7/27/90, effective 8/27/90. Statutory Authority: RCW 43.24.086. 89-17-156, § 308-31-055, filed 8/23/89, effective 9/23/89; 87-18-031 (Order PM 667), § 308-31-055, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-31-055, filed 11/2/83; 83-17-031 (Order PL 442), § 308-31-055, filed 8/10/83. Formerly WAC 308-31-310.]

Chapter 246-924 WAC
PSYCHOLOGISTS

WAC

246-924-354 Maintenance and retention of records.
 246-924-990 Psychology fees and renewal cycle.

WAC 246-924-354 Maintenance and retention of

records. (1) A psychologist who renders professional services to a client or clients, or renders services billed to a third party payor, shall document services except as provided in (g) of this subsection. The documentation must include:

- (a) The presenting problem(s), purpose, or diagnosis;
- (b) The fee arrangement;
- (c) The date and service provided;
- (d) A copy of all tests and evaluative reports prepared;
- (e) Notation and results of formal consults including information obtained from other persons or agencies through a release of information;
- (f) Progress notes reflecting ongoing treatment and current status; and
- (g) If a client requests that no treatment records be kept and the psychologist agrees to the request, the client's request must be in writing and retained with the following information:

- (i) Identity of the recipient of the services;
- (ii) Service dates and fees;
- (iii) Description of services;
- (iv) The psychologist shall not agree to the request if maintaining records is required by other state or federal law.

(2) All records must be retained for at least eight years following the last professional contact with the client(s). In the case of minors under the age of eighteen, the records must be retained until the client reaches the age of twenty-two or for eight years, whichever is longer.

All records must be securely maintained with appropriate limited access in accordance with any other applicable state or federal laws.

(3) The psychologist rendering services must have a written policy to ensure the maintenance and confidentiality of the client records in the event of retirement, discontinuation of practice or employment, discontinuation of practice in the state of Washington, or inability to maintain practice or employment (e.g., illness or death of the psychologist).

This written policy must be made available to the board, upon written request, within sixty days. The written policy shall:

- (a) Designate a qualified person(s) or, if appropriate, hospital, clinic or other health care facility, to make neces-

sary clinically relevant referrals if the psychologist is unable to do so;

(b) Detail a plan for fulfilling record requests described under this subsection; and

(c) Require the subsequent record holder to maintain records in accordance with any other applicable state or federal laws or rules.

(4) In the case of psychological or neuropsychological evaluations, tests or assessments, the psychologist may exercise clinical judgment in determining whether or not to retain specific records beyond the minimum retention period specified in subsection (2) of this section.

(5) After the minimum records retention period is met for a client record, the psychologist may elect to dispose of the record. If the record is disposed of, it shall be done in a secure and confidential manner. Proper disposal means paper is shredded; electronic media is deleted, erased, or reformatted; and other readable forms of media is defaced or rendered unusable or unreadable.

[Statutory Authority: RCW 18.83.050, 18.130.050, 05-19-048, § 246-924-354, filed 9/15/05, effective 10/16/05. Statutory Authority: RCW 18.83.050(5) and chapter 18.83 RCW. 93-07-036 (Order 337B), § 246-924-354, filed 3/10/93, effective 4/10/93.]

WAC 246-924-990 Psychology fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$260.00
Renewal	285.00
Renewal retired active	100.00
Late renewal penalty	142.50
Expired license reissuance	142.50
Duplicate license	25.00
Oral examination	350.00
Certification of license	25.00
Amendment of certificate of qualification	30.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110, 05-12-012, § 246-924-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.83.020, 01-23-101, § 246-924-990, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 43.70.250, 99-08-101, § 246-924-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280, 98-05-060, § 246-924-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250, 96-08-006, § 246-924-990, filed 3/22/96, effective 4/22/96; 91-13-002 (Order 173), § 246-924-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040, 91-05-028 (Order 133), recodified as § 246-924-990, filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 43.70.250, 90-04-094 (Order 029), § 308-122-275, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-122-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-122-275, filed 8/10/83. Formerly WAC 308-122-460.]

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Chapter 246-926 WAC RADIOLOGICAL TECHNOLOGISTS

WAC

246-926-020	Definitions.
246-926-100	Definitions—Alternative training radiologic technologists.
246-926-110	Diagnostic radiologic technologist—Alternative training.
246-926-120	Therapeutic radiologic technologist—Alternative training.
246-926-130	Nuclear medicine technologist—Alternative training.
246-926-140	Approved schools.
246-926-180	Parenteral procedures.
246-926-190	State examination/examination waiver/examination application deadline.
246-926-990	Radiological technologists certification and registration fees and renewal cycle.

WAC 246-926-020 Definitions. (1) "Unprofessional conduct" as used in this chapter means the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of health.

(5) "Radiological technologist" means a person certified under chapter 18.84 RCW.

(6) "Registered X-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner.

(7) "Direct supervision" means the appropriate licensed practitioner is on the premises and is quickly and easily available.

(8) "Mentally or physically disabled" means a radiological technologist or X-ray technician who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.84.040, 06-01-104, § 246-926-020, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.84.040 and 18.130.070, 92-05-010 (Order 237), § 246-926-020, filed 2/7/92, effective 2/19/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-926-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-183-010, filed 6/30/89.]

WAC 246-926-100 Definitions—Alternative training radiologic technologists. (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions apply:

(a) "One quarter credit hour" equals eleven "contact hours";

(b) "One semester credit hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

(e) "Direct supervision" means the supervisory clinical evaluator is on the premises and is quickly and easily available.

(f) "Indirect supervision" means the supervising physician is on site no less than half-time.

(g) "Allied health care profession" means an occupation for which programs are accredited by the Joint Review Committee on Education in Radiologic Technology, the Joint Review Committee for Educational Programs in Nuclear Medicine Technology or the former American Medical Association Committee on Allied Health Education and Accreditation.

(h) "Formal education" means education obtained from postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Joint Review Committee on Education in Radiologic Technology, the Joint Review Committee for Educational Programs in Nuclear Medicine Technology or the former American Medical Association Committee on Allied Health Education and Accreditation.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A radiologic technologist who provides direct supervision and is certified by the department in the specialty area for which the individual in the alternative training program is requesting certification; and

(b) A physician who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work; or

(c) The physician who is providing indirect supervision may also provide direct supervision, when a certified nuclear medicine technologist is not available, for individuals requesting to become certified as a nuclear medicine technologist.

[Statutory Authority: RCW 18.84.040. 06-01-103, § 246-926-100, filed 12/21/05, effective 1/21/06; 03-10-100, § 246-926-100, filed 5/7/03, effective 6/7/03. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-090, filed 12/9/88.]

WAC 246-926-110 Diagnostic radiologic technologist—Alternative training. An individual shall have the following alternative training qualifications to be certified as a diagnostic radiologic technologist.

(1) Have obtained a high school diploma or GED equivalent, a minimum of three clinical years supervised practice experience in radiography, and completed the course content areas outlined in subsection (2) of this section; or have obtained an associate or higher degree in an allied health care profession or meets the requirements for certification as a therapeutic radiologic technologist or nuclear medicine technologist, have obtained a minimum of two clinical years supervised practice experience in radiography, and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained directly by supervised clinical practice experience: Introduction to radiography, medical ethics and law, medical terminology, methods of patient care, radiographic procedures, radiographic film processing, evaluation of radiographs, radiographic pathology, introduction to quality assurance, and introduction to computer literacy. Clinical

practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology - 100 contact hours; principles of radiographic exposure - 45 contact hours; imaging equipment - 40 contact hours; radiation physics, principles of radiation protection, and principles of radiation biology - 40 contact hours; and sectional anatomy - 33 contact hours.

(3) Individuals participating in the diagnostic radiologic technologist alternative training program must annually report to the department of health radiologic technologist program the progress of their supervised clinical hours. Notification must be made in writing and must include the street and mailing address of their program and the names of the individual's direct and indirect supervisors.

(4) Must pass an examination approved or administered by the secretary with a minimum scaled score of 75.

(5) Individuals who are registered as a diagnostic radiologic technologist with the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

(6) Individuals educated and/or credentialed to practice as a diagnostic radiologic technologist in another country must provide official documentation of their education and training proving that they meet or exceed alternative training requirements. They must also pass an examination approved or administered by the secretary with a minimum scaled score of 75.

[Statutory Authority: RCW 18.84.040. 06-01-103, § 246-926-110, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.84.040 and 18.84.080. 92-05-010 (Order 237), § 246-926-110, filed 2/7/92, effective 2/19/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-100, filed 12/9/88.]

WAC 246-926-120 Therapeutic radiologic technologist—Alternative training. An individual shall have the following alternative training qualifications to be certified as a therapeutic radiologic technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, or allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or nuclear medicine technologist; have obtained a minimum of three clinical years supervised practice experience in therapeutic radiologic technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Orientation to radiation therapy technology, medical ethics and law, methods of patient care, computer applications, and medical terminology. At least fifty percent of the clinical practice experience must have been in operating a linear accelerator. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology - 100 contact hours; oncologic pathology - 22 contact hours; radiation oncology - 22 contact hours; radiobiology, radiation protection, and radiographic imaging - 73

contact hours; mathematics (college level algebra or above) - 55 contact hours; radiation physics - 66 contact hours; radiation oncology technique - 77 contact hours; clinical dosimetry - 150 contact hours; quality assurance - 12 contact hours; hyperthermia - 4 contact hours; and sectional anatomy - 22 contact hours.

(3) Individuals participating in the therapeutic radiologic technologist alternative training program must annually report to the department of health radiologic technologist program the progress of their supervised clinical hours. Notification must be made in writing and must include the street and mailing address of their program and the names of the individual's direct and indirect supervisors.

(4) Must pass an examination approved or administered by the secretary with a minimum scaled score of 75.

(5) Individuals who are registered as a therapeutic radiologic technologist by the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

(6) Individuals educated and/or credentialed to practice as a therapeutic radiologic technologist in another country must provide official documentation of their education and training proving that they meet or exceed alternative training requirements. They must also pass an examination approved or administered by the secretary with a minimum scaled score of 75.

[Statutory Authority: RCW 18.84.040. 06-01-103, § 246-926-120, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.84.040 and 18.84.080. 92-05-010 (Order 237), § 246-926-120, filed 2/7/92, effective 2/19/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-110, filed 12/9/88.]

WAC 246-926-130 Nuclear medicine technologist—Alternative training. An individual shall have the following alternative training qualifications to be certified as a nuclear medicine technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or a therapeutic radiologic technologist; have obtained a minimum of two clinical years supervised practice experience in nuclear medicine technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Methods of patient care, computer applications, department organization and function, nuclear medicine in-vivo and in-vitro procedures, and radionuclide therapy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Radiation safety and protection - 10 contact hours; radiation biology - 10 contact hours; nuclear medicine physics and radiation physics - 80 contact hours; nuclear medicine instrumentation - 22 contact hours; statistics - 10 contact hours; radionuclide chemistry and radiopharmacology - 22 contact hours.

(3) Individuals participating in the nuclear medicine technologist alternative training program must annually

report to the department of health radiologic technologist program the progress of their supervised clinical hours. Notification must be made in writing and must include the street and mailing address of their program and the names of the individual's direct and indirect supervisors.

(4) Must pass an examination approved or administered by the secretary with a minimum scaled score of 75.

(5) Individuals who are registered as a nuclear medicine technologist with the American Registry of Radiologic Technologists or with the Nuclear Medicine Technology Certification Board shall be considered to have met the alternative education and training requirements.

(6) Individuals educated and/or credentialed to practice as a nuclear medicine technologist in another country must provide official documentation of their education and training proving that they meet or exceed alternative training requirements. They must also pass an examination approved or administered by the secretary with a minimum scaled score of 75.

[Statutory Authority: RCW 18.84.040. 06-01-103, § 246-926-130, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.84.040 and 18.84.080. 92-05-010 (Order 237), § 246-926-130, filed 2/7/92, effective 2/19/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-120, filed 12/9/88.]

WAC 246-926-140 Approved schools. Approved schools and standards of instruction for diagnostic radiologic technologist, therapeutic radiologic technologist, and nuclear medicine technologist are those recognized as radiography, radiation therapy technology, and nuclear medicine technology educational programs that have obtained accreditation from the Joint Review Committee on Education in Radiologic Technology, the Joint Review Committee for Educational Programs in Nuclear Medicine Technology or the former American Medical Association Committee on Allied Health Education and Accreditation.

[Statutory Authority: RCW 18.84.040. 06-01-104, § 246-926-140, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-130, filed 12/9/88.]

WAC 246-926-180 Parenteral procedures. (1) A certified radiologic technologist may administer diagnostic and therapeutic agents under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW. Diagnostic and therapeutic agents may be administered via intravenous, intramuscular, or subcutaneous injection. In addition to direct supervision, before the radiologic technologist may administer diagnostic and therapeutic agents, the following guidelines must be met:

(a) The radiologic technologist has had the prerequisite training and thorough knowledge of the particular procedure to be performed;

(b) Appropriate facilities are available for coping with any complication of the procedure as well as for emergency treatment of severe reactions to the diagnostic or therapeutic agent itself, including readily available appropriate resuscitative drugs, equipment, and personnel; and

(c) After parenteral administration of a diagnostic or therapeutic agent, competent personnel and emergency facilities must be available to the patient for at least thirty minutes in case of a delayed reaction.

(2) A certified radiologic technologist may perform venipuncture under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW.

[Statutory Authority: RCW 18.84.040. 06-01-104, § 246-926-180, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 43.70.040. 92-19-060 (Order 302), § 246-926-180, filed 9/11/92, effective 10/12/92; 91-02-049 (Order 121), recodified as § 246-926-180, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-170, filed 12/9/88.]

WAC 246-926-190 State examination/examination waiver/examination application deadline. (1) The American Registry of Radiologic Technologists certification examinations for radiography, radiation therapy technology, and nuclear medicine technology are the state examinations for certification as a radiologic technologist.

(2) The examination shall be conducted in accordance with the American Registry of Radiologic Technologists security measures and contract.

(3) Applicants taking the state examination must submit the application, supporting documents, and fees to the department of health for approval prior to being scheduled to take the examination.

(4) Examination candidates shall be advised of the results of their examination in writing by the department of health.

(5) The examination candidate must have a minimum scaled score of seventy-five to pass the examination.

[Statutory Authority: RCW 18.84.040. 06-01-104, § 246-926-190, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 18.84.040 and 18.84.080. 92-05-010 (Order 237), § 246-926-190, filed 2/7/92, effective 2/19/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-190, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-190, filed 12/9/88.]

WAC 246-926-990 Radiological technologists certification and registration fees and renewal cycle. (1) Certificates and registrations must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The practitioner must pay the following nonrefundable fees:

Title of Fee	Fee
Application - certification	\$45.00
Exam fee - certification	30.00
Application - registration	35.00
Certification renewal	45.00
Registration renewal	35.00

Title of Fee	Fee
Late renewal penalty - certification	45.00
Late renewal penalty - registration	35.00
Expired certificate reissuance	45.00
Expired registration reissuance	35.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00

[Statutory Authority: RCW 18.84.040. 06-01-104, § 246-926-990, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-926-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-926-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-926-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.84.040 and 18.84.100. 92-05-010 (Order 237), § 246-926-990, filed 2/7/92, effective 2/19/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-180, filed 12/9/88.]

Chapter 246-927 WAC RECREATION THERAPY

WAC

246-927-990

How often do I need to renew and what are the costs for registration?

WAC 246-927-990 How often do I need to renew and what are the costs for registration? (1) Registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for registered recreational therapists:

Title of Fee	Fee
Application	\$110.00
Renewal	85.00
Late renewal penalty	50.00
Expired registration reissuance	50.00
Duplicate registration	15.00
Certification of certificate	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-927-990, filed 5/20/05, effective 7/1/05. Statutory Authority: Chapter 18.230 RCW and RCW 43.70.250. 03-09-065, § 246-927-990, filed 4/15/03, effective 7/1/03.]

Chapter 246-928 WAC RESPIRATORY CARE PRACTITIONERS

WAC

246-928-990

Respiratory care fees and renewal cycle.

WAC 246-928-990 Respiratory care fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal

fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$70.00
Temporary practice permit	35.00
Duplicate license	15.00
Verification of licensure	15.00
Renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-928-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.89.050(1), 01-11-165, § 246-928-990, filed 5/23/01, effective 6/23/01. Statutory Authority: RCW 43.70.250. 99-08-101, § 246-928-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-928-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.89 RCW and RCW 43.70.040. 95-18-019, § 246-928-990, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 43.70.250. 92-15-032 (Order 285), § 246-928-990, filed 7/7/92, effective 8/7/92. Statutory Authority: RCW 18.89.050 and 43.70.250. 92-02-018 (Order 224), § 246-928-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-928-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. 88-17-099 (Order PM 741), § 308-195-110, filed 8/23/88.]

Chapter 246-930 WAC

SEX OFFENDER TREATMENT PROVIDER

WAC

246-930-020	Underlying credential as a health professional required.
246-930-200	Application and examination.
246-930-220	Reexamination.
246-930-301	Purpose—Professional standards and ethics.
246-930-431	Expired certification.
246-930-490	Sexual misconduct.
246-930-990	Sex offender treatment provider fees and renewal cycle.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-930-995	Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280. 98-05-060, § 246-930-995, filed 2/13/98, effective 3/16/98.] Repealed by 05-12-014, filed 5/20/05, effective 6/20/05. Statutory Authority: RCW 18.155.040.
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WAC 246-930-020 Underlying credential as a health professional required. (1) Under RCW 18.155.020(1), only credentialed health professionals may be certified as providers.

(2) A person who is credentialed as a health professional in a state or jurisdiction other than Washington may satisfy this requirement by submitting the following:

(a) A copy of the current nonexpired credential issued by the credentialing state;

(b) A copy of the statute, administrative regulation, or other official document of the issuing state which sets forth the minimum requirements for the credential;

(c) A statement from the issuing authority:

(i) That the credential is in good standing;

(ii) That there is no disciplinary action currently pending; and

(iii) Listing any formal discipline actions taken by the issuing authority with regard to the credential;

(d) A statement signed by the applicant, on a form provided by the department, submitting to the jurisdiction of the Washington state courts for the purpose of any litigation involving his or her practice as a sex offender treatment provider;

(e) A statement signed by the applicant on a form provided by the department, that the applicant does not intend to practice the health profession for which he or she is credentialed by another state within the state of Washington without first obtaining an appropriate credential to do so from the state of Washington, except as may be authorized by Washington state law; and

(f) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Underlying registration, certification, or licensure shall be maintained in good standing. If an underlying registration, certification, or licensure is not renewed or is revoked, certification as a sex offender treatment provider or affiliate sex offender treatment provider is revoked. If an underlying registration, certificate or license is suspended, the sex offender treatment provider certification is suspended. If there is a stay of the suspension of an underlying registration, certificate or license the sex offender treatment provider program must independently evaluate the reasonableness of a stay for the sex offender treatment provider.

[Statutory Authority: RCW 18.155.040. 05-12-014, § 246-930-020, filed 5/20/05, effective 6/20/05. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-930-020, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.155.040. 94-13-179, § 246-930-020, filed 6/21/94, effective 7/22/94; 92-12-027 (Order 275), § 246-930-020, filed 5/28/92, effective 6/28/92; 91-11-063 (Order 168), § 246-930-020, filed 5/16/91, effective 6/16/91.]

WAC 246-930-200 Application and examination. (1) In order to be certified to practice under this chapter as a provider or affiliate provider in the state of Washington all applicants shall pass an examination approved by the secretary.

(2) An applicant shall meet all education, experience, and training requirements and hold a current health professional credential to qualify to sit for the examination.

(3) Examinations shall be given at a time and place determined by the secretary.

(4) A completed application with the appropriate fee for certification shall be received in the office of the department, no later than sixty days prior to the examination date. All supporting documentation shall be received no later than twenty days prior to the scheduled examination date.

(5) Any applicant who fails to follow written or oral instructions relative to the conduct of the examination, is observed talking or attempting to give or receive information, or attempting to remove materials from the examination or using or attempting to use unauthorized materials during any portion of the examination shall be terminated from the examination and not permitted to complete it.

(6) The department shall approve the method of grading each examination, and apply the method uniformly to all applicants taking the examination.

(7) Applicants will be notified in writing of their examination scores.

(8) Applicant's examination scores are not disclosed to anyone other than the applicant, unless requested to do so in writing by the applicant.

(9) An applicant who fails to make the required grade in the first examination may take up to two additional examinations upon the payment of a reexamination fee for each subsequent examination. After failure of three examinations, the secretary may require remedial education before admission to future examinations.

[Statutory Authority: RCW 18.155.040, 05-12-014, § 246-930-200, filed 5/20/05, effective 6/20/05; 94-13-179, § 246-930-200, filed 6/21/94, effective 7/22/94; 92-12-027 (Order 275), § 246-930-200, filed 5/28/92, effective 6/28/92; 91-11-063 (Order 168), § 246-930-200, filed 5/16/91, effective 6/16/91.]

WAC 246-930-220 Reexamination. (1) An applicant for certification who has been previously certified shall retake the examination and achieve a passing score as set forth in WAC 246-930-200(6) before recertification if:

(a) The applicant has been uncertified voluntarily for more than twenty-four calendar months; or

(b) The applicant's certificate has been revoked or suspended by reason of a disciplinary action by the secretary.

(2) The secretary may require reexamination in any disciplinary order as a condition of reissuing a certificate or confirming certification.

(3) Whenever reexamination is required, the applicant shall pay the examination fees set forth in WAC 246-930-990.

[Statutory Authority: RCW 18.155.040, 05-12-014, § 246-930-220, filed 5/20/05, effective 6/20/05; 94-13-179, § 246-930-220, filed 6/21/94, effective 7/22/94; 92-12-027 (Order 275), § 246-930-220, filed 5/28/92, effective 6/28/92; 91-11-063 (Order 168), § 246-930-220, filed 5/16/91, effective 6/16/91.]

WAC 246-930-301 Purpose—Professional standards and ethics. (1) Sex offender treatment providers are also credentialed health professionals, and are subject to the standards of practice of their primary field of practice. However, standards of practice vary from profession to profession, and sex offender evaluation and treatment represents significant differences in practice from general mental health interventions.

(2) The standards set forth in WAC 246-930-301 through 246-930-340 apply to all sex offender treatment providers. Failure to comply with these standards may constitute unprofessional conduct pursuant to RCW 18.130.180(7).

(3) Standards of practice specific to this area of specialization are necessary due to the unique characteristics of this area of practice, the degree of control that a provider exercises over the lives of clients, and the community protection issues inherent in this work.

[Statutory Authority: RCW 18.155.040, 05-12-014, § 246-930-301, filed 5/20/05, effective 6/20/05; 94-13-179, § 246-930-301, filed 6/21/94, effective 7/22/94; 92-12-027 (Order 275), § 246-930-301, filed 5/28/92, effective 6/28/92; 91-23-076 (Order 212), § 246-930-301, filed 11/19/91, effective 12/20/91.]

WAC 246-930-431 Expired certification. (1) If the certification has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the certification has expired for over three years, the practitioner must:

(a) Successfully pass the examination as provided in WAC 246-930-200;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

[Statutory Authority: RCW 18.155.040, 05-12-014, § 246-930-431, filed 5/20/05, effective 6/20/05. Statutory Authority: RCW 43.70.280, 98-05-060, § 246-930-431, filed 2/13/98, effective 3/16/98.]

WAC 246-930-490 Sexual misconduct. (1) Sex offender treatment providers shall not engage in sexual contact or sexual activity with their clients.

(2) Sexual contact or sexual activity is prohibited with former clients for ten years after cessation or termination of professional services.

(3) The sex offender treatment provider shall not engage in sexual contact or sexual activity with any former client if such contact or activity involves the abuse of the sex offender treatment provider and client relationship. Factors to be considered in evaluating if the sex offender treatment provider and client relationship is abusive include, but are not limited to:

(a) The amount of time that has passed since the last therapeutic contact;

(b) The nature and duration of the therapy;

(c) The circumstances of cessation or termination;

(d) The client's personal history;

(e) The client's current mental status;

(f) The likelihood of adverse impact on the client and others; and

(g) Any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post termination sexual or romantic relationship with the client.

(4) The sex offender treatment provider shall not engage in sexual contact or sexual activity with any person participating in the treatment process of a client while the therapy is ongoing.

(5) The sex offender treatment provider shall not engage in sexual contact or sexual activity with any person formally participating in the treatment process, if such contact or activity involves the abuse of the sex offender treatment provider and client relationship. Factors to be considered in evaluating if the sex offender treatment provider and client relationship is abusive include, but are not limited to:

(a) The amount of time that has passed since the last therapeutic contact;

(b) The amount of time that has passed since the last professional contact between the provider and the other person;

(c) The knowledge the provider has obtained about the person because of the professional contact; and

(d) The likelihood of adverse impact on the former client.

[Statutory Authority: RCW 18.155.040, 05-12-014, § 246-930-490, filed 5/20/05, effective 6/20/05; 94-13-179, § 246-930-490, filed 6/21/94, effective 7/22/94.]

WAC 246-930-990 Sex offender treatment provider fees and renewal cycle. (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. [The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.]

(2) The following nonrefundable fees will be charged for:

Title of Fee	Fee
Sex offender treatment provider:	
Application and examination	\$500.00
Reexamination	250.00
Initial certification	100.00
Renewal	800.00
Inactive status	300.00
Late renewal penalty	300.00
Expired certificate reissuance	300.00
Expired inactive certificate reissuance	150.00
Duplicate certificate	15.00
Verification of certification	15.00

(3) The following nonrefundable fees will be charged for affiliate treatment provider:

Title of Fee	Fee
Application and examination	200.00
Reexamination	100.00
Renewal	300.00
Inactive status	200.00
Late renewal penalty	150.00
Expired affiliate certificate reissuance	150.00
Expired inactive affiliate certificate reissuance	100.00
Duplicate certificate	15.00
Extension fee	850.00

[Statutory Authority: RCW 18.155.040, 05-12-014, § 246-930-990, filed 5/20/05, effective 6/20/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110, 05-12-012, § 246-930-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 99-08-101, § 246-930-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280, 98-05-060, § 246-930-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.155.040, 94-13-179, § 246-930-990, filed 6/21/94, effective 7/22/94; 92-12-027 (Order 275), § 246-930-990, filed 5/28/92, effective 6/28/92; 91-11-063 (Order 168), § 246-930-990, filed 5/16/91, effective 6/16/91.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 246-933 WAC

VETERINARIANS—VETERINARY BOARD

WAC

246-933-590	Humane society and animal care and control agency (entity) fees and renewal cycle.
246-933-990	Veterinarian fees and renewal cycle.

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WAC 246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle. (1) Registrations must be renewed every year on August 1 as provided in chapter 246-12 WAC, Part 3. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The nonrefundable fees are:

Title of Fee	Fee
Entity registration	\$100.00
Entity renewal	75.00
Late renewal penalty	50.00
Expired registration reissuance	50.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110, 05-12-012, § 246-933-590, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250 and 18.92.260, 03-10-044, § 246-933-590, filed 5/1/03, effective 6/1/03.]

WAC 246-933-990 Veterinarian fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
State examination (initial/retake)	\$125.00
Initial state license	115.00
Specialty licensure	115.00
Impaired veterinarian assessment	10.00
Temporary permit	200.00
State or specialty license renewal	120.00
Retired active license and renewal	55.00
Late renewal penalty (state and specialty license)	60.00
Expired license reissuance	60.00
Late renewal penalty (retired active license)	50.00
Duplicate license	15.00
Certification of license	15.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110, 05-12-012, § 246-933-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.92.120, 01-23-101, § 246-933-990, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 43.70.280, 98-05-060, § 246-933-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250, 93-14-011, § 246-933-990, filed 6/24/93, effective 7/25/93; 93-08-028 (Order 351), § 246-933-990, filed 3/30/93, effective 4/30/93; 92-07-036 (Order 252), § 246-933-990, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 43.70.040, 91-02-050 (Order 122), § 246-933-990, filed 12/27/90, effective 1/31/91.]

**Chapter 246-935 WAC
VETERINARY TECHNICIANS**

WAC

246-935-990 Veterinary technician fees and renewal cycle.

WAC 246-935-990 Veterinary technician fees and renewal cycle. (1) Registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
State examination (initial/retake)	\$100.00
Initial registration	75.00
Renewal	65.00
Late renewal penalty	50.00
Expired registration reissuance	50.00
Duplicate registration	15.00
Certification of registration	15.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-935-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.92.125. 01-23-101, § 246-935-990, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-935-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-935-990, filed 6/24/93, effective 7/25/93; 92-07-036 (Order 252), § 246-935-990, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-935-990, filed 12/27/90, effective 1/31/91.]

**Chapter 246-937 WAC
REGISTERED VETERINARY MEDICATION
CLERKS**

WAC

246-937-990 Veterinary medication clerk fees and renewal cycle.

WAC 246-937-990 Veterinary medication clerk fees and renewal cycle. (1) Registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Initial registration	\$30.00
Renewal	30.00

Title of Fee	Fee
Late renewal penalty	30.00
Expired registration reissuance	30.00
Duplicate registration	15.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-937-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, 2001 2nd sp.s. c 7 and RCW 18.92.125. 01-23-101, § 246-937-990, filed 11/21/01, effective 1/21/02. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-937-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 34.05 RCW. 94-19-098, § 246-937-990, filed 9/21/94, effective 10/22/94.]

**Chapter 246-939 WAC
SURGICAL TECHNOLOGIST PROGRAM**

WAC

246-939-990 Surgical technologists—Fees and renewal cycle.

WAC 246-939-990 Surgical technologists—Fees and renewal cycle. (1) Registration must be renewed every year on registrant's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for registration:

Title of Fee	Fee
Application for registration	\$50.00
Renewal of registration	125.00
Registration late fee	62.50
Duplicate registration	10.00
Expired registration reissuance	62.50
Registration issuance	25.00

[Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. 05-12-012, § 246-939-990, filed 5/20/05, effective 7/1/05. Statutory Authority: Chapter 18.215 RCW. 99-24-097, § 246-939-990, filed 11/30/99, effective 12/31/99.]

**Title 247 WAC
HEALTH CARE FACILITIES
AUTHORITY**

Chapters

247-02

Organization, operations and procedures.

Chapter 247-02 WAC
ORGANIZATION, OPERATIONS AND
PROCEDURES

WAC

247-02-050

Operations and procedures.

WAC 247-02-050 Operations and procedures. (1) Uniform procedure rules: Practice and procedure in and before the authority are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow *Robert's Rules of Order*, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds shall be executed in the manner provided in RCW 70.37.050.

(8) Public participation in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The chairman of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the chairman.

[Statutory Authority: Chapter 70.37 RCW. 05-11-048, § 247-02-050, filed 5/13/05, effective 5/13/05. Statutory Authority: RCW 70.37.050. 82-19-064 (Order 12), § 247-02-050, filed 9/20/82; 81-24-038 (Order 9, Resolution No. 81-1), § 247-02-050, filed 11/25/81; 79-10-101 (Order 2, Resolution No. 79-3), § 247-02-050, filed 9/26/79.]

Title 251 WAC

PERSONNEL, DEPARTMENT OF (HIGHER EDUCATION)

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 251-01 DEFINITIONS

251-01-005	Administrative assistant exemption. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-005, filed 4/22/86. Formerly WAC 251-04-020.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-014	Affected groups. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-01-014, filed 2/12/99, effective 4/1/99.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-015	Affirmative action. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-01-015, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-015, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-018	Agency. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-018, filed 9/10/98, effective 10/12/98.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-020	Agricultural employees. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-020, filed

251-01-025	4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW. Allocation. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-025, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-085	4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW. Cyclic year position. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-085, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-028	Anniversary date. [Statutory Authority: RCW 28B.16.100. 88-13-018 (Order 169), § 251-01-028, filed 6/6/88, effective 8/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-100	Demotion. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-100, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-030	Annual performance evaluation. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-030, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-105	Development. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-105, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-035	Appointing authority. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-035, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-110	Director. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-110, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 87-21-089 (Order 163), § 251-01-110, filed 10/21/87; 86-09-078 (Order 147), § 251-01-110, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-040	Availability. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-01-040, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-01-040, filed 7/29/87, effective 9/1/87; 86-09-078 (Order 147), § 251-01-040, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-115	Dismissal. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-115, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-045	Board. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-045, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-045, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-120	Eligible. [Statutory Authority: RCW 28B.16.100. 93-01-156, § 251-01-120, filed 12/23/92, effective 2/1/93; 86-09-078 (Order 147), § 251-01-120, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-050	Certification. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-050, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-125	Eligible list. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-125, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-055	Charges. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-055, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-129	Emergency health condition. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-01-129, filed 11/14/02, effective 1/1/03.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-056	Child. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-01-056, filed 11/14/02, effective 1/1/03.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-130	Employee. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-130, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-057	Child care emergency. [Statutory Authority: RCW 28B.16.100. 88-13-019 (Order 168), § 251-01-057, filed 6/6/88; 87-14-051 (Order 156), § 251-01-057, filed 7/1/87, effective 8/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-135	Employee organization. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-135, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-060	Class. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-060, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-140	Employing official. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-140, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-065	Classified service. [Statutory Authority: RCW 41.06.150. 98-19-031, § 251-01-065, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-065, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-145	Essential job elements. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-145, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-070	Collective bargaining. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-070, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-147	Examination process. [Statutory Authority: RCW 28B.16.100. 93-01-156, § 251-01-147, filed 12/23/92, effective 2/1/93.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-072	Comparable worth adjustment indicator. [Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-01-072, filed 9/30/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-150	Examinations. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-150, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-150, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-075	Competitive service. [Statutory Authority: RCW 28B.16.100. 93-01-156, § 251-01-075, filed 12/23/92, effective 2/1/93; 86-09-078 (Order 147), § 251-01-075, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-160	Executive head exemption. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-01-160, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-01-160, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-160, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-077	Consecutive months. [Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-01-077, filed 6/21/89, effective 10/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-165	Exempt position. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-165, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-080	Counseling exemption. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-080, filed	251-01-170	Extension and/or continuing education exemption. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-170, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		251-01-172	Family members. [Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-01-172, filed

	7/1/87, effective 8/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-01-175	Final examination score. [Statutory Authority: RCW 41.06.150. 02-15-052, § 251-01-175, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-175, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-175, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-260	Noncompetitive service. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-260, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-185	Full-time employment. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-185, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-265	Organizational unit. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-265, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-190	Goals. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-01-190, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-01-190, filed 1/2/87, effective 2/1/87; 86-09-078 (Order 147), § 251-01-190, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-268	Parent. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-01-268, filed 11/14/02, effective 1/1/03.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-195	Graphic arts or publication exemption. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-195, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-270	Part-time employment. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-270, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-200	Grievance. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-200, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-275	Periodic increment date (P.I.D.). [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-275, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-201	Higher education system or higher education rules. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-01-201, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-01-201, filed 9/10/98, effective 10/12/98.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-280	Permanent employee. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-280, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-210	Institutional examination. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-210, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-285	Person of disability. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-285, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-215	Institutions of higher education. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-215, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-290	Personnel officer. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-290, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-220	Job analysis. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-220, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-295	P.I.D. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-295, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-225	Job categories. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-225, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-300	Position. [Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-01-300, filed 1/2/87, effective 2/1/87; 86-09-078 (Order 147), § 251-01-300, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-230	Job group. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-230, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-305	Principal assistant exemption. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-01-305, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-01-305, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-305, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-235	Lateral movement. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-235, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-310	Probationary period. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-01-310, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-310, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-240	Layoff. [Statutory Authority: RCW 41.06.150. 02-07-051, § 251-01-240, filed 3/14/02, effective 5/1/02. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-240, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-315	Probationary reappointment. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-315, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-245	Layoff seniority. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-245, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-325	Promotion. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-325, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-250	Layoff unit. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-250, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-335	Provisional appointment. [Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-335, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-335, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-255	Lead. [Statutory Authority: RCW 28B.16.100. 88-17-108 (Order 173), § 251-01-255, filed 8/24/88, effective 10/1/88; 86-09-078 (Order 147), § 251-01-255, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-340	Public records. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-340, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-01-258	Nonassociation fee. [Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-01-258, filed 8/29/88, effective 10/1/88.] Repealed by 05-12-067,	251-01-345	Rating factor or performance element. [Statutory Authority: RCW 41.06.150. 00-10-027, § 251-01-345, filed 4/24/00, effective 6/1/00. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-345, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-01-350	Rating guide. [Statutory Authority: RCW 28B.16.100. 93-01-156, § 251-01-350, filed 12/23/92, effective 2/1/93; 86-09-078 (Order 147), § 251-01-350, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-01-355	Reallocation. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-355, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-425
251-01-360	Reassignment. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-360, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-430
251-01-365	Related boards. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-365, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-365, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-435
251-01-367	Representation fee. [Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-01-367, filed 8/29/88, effective 10/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-440
251-01-370	Research exemption. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-370, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-445
251-01-375	Resignation. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-375, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-450
251-01-380	Reversion. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-380, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-01-460
251-01-382	Salary range. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-01-382, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-01-382, filed 9/30/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-01-385	Specific position elements. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-385, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-04-010
251-01-390	Specific position requirements. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-390, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-04-030
251-01-392	Standard range. [Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-01-392, filed 9/30/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-01-395	Supervisor. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-395, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-04-035
251-01-400	Supplemental certification. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-01-400, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-01-400, filed 1/2/87, effective 2/1/87; 86-09-078 (Order 147), § 251-01-400, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-04-060
251-01-405	Suspension. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-405, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-01-410	System examination. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-01-410, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-410, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-04-070
251-01-415	Temporary appointment. [Statutory Authority: RCW 41.06.150. 01-11-112, § 251-01-415, filed 5/22/01, effective 7/1/01. Statutory Authority: RCW 28B.16.100. 28B.16.040(2) and 70.24.300. 90-01-007, § 251-01-415, filed 12/7/89, effective 1/7/90. Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-01-415, filed 6/21/89, effective 10/1/89; 88-02-017	251-04-100
	(Order 164), § 251-01-415, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-415, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Training. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-425, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Transfer. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-430, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Trial service. [Statutory Authority: RCW 41.06.150. 99-19-118, § 251-01-435, filed 9/21/99, effective 11/1/99. Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-435, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-435, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Underutilization. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-01-440, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-440, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Union shop. [Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-01-445, filed 8/29/88, effective 10/1/88; 86-09-078 (Order 147), § 251-01-445, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Union shop representative. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-450, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Writing. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-460, filed 4/22/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
Chapter 251-04		
GENERAL PROVISIONS		
	Purpose. [Order 61, § 251-04-010, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-010, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Scope. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-04-030, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-04-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-04-030, filed 9/22/93, effective 10/23/93; Order 61, § 251-04-030, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-030, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Exemptions. [Statutory Authority: RCW 41.06.150. 03-22-003, § 251-04-035, filed 10/22/03, effective 1/1/04; 03-13-051, § 251-04-035, filed 6/12/03, effective 6/12/03.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Director. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-04-060, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-04-060, filed 9/10/98, effective 10/12/98; 95-19-099, § 251-04-060, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 92-20-043, § 251-04-060, filed 9/30/92, effective 11/1/92; Order 61, § 251-04-060, filed 8/30/77, effective 10/1/77; Order 51, § 251-04-060, filed 1/20/76; Order 1, § 251-04-060, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Personnel officers. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-04-070, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-04-070, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-04-070, filed 7/22/82, effective 9/1/82; Order 61, § 251-04-070, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-070, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Computation of time. [Order 61, § 251-04-100, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	

Title 251**Title 251 WAC: Personnel—Higher Education**

- 251-04-105 Method and completion of service. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-20-025, § 251-04-105, filed 9/26/94, effective 11/1/94. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-04-105, filed 10/24/89, effective 12/1/89; Order 61, § 251-04-105, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-04-110 Filing with board. [Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-04-110, filed 10/24/89, effective 12/1/89; Order 61, § 251-04-110, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-04-160 Federal preemption—Fair Labor Standards Act. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-04-160, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-04-160, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 28B.16 RCW. 91-13-011, § 251-04-160, filed 6/7/91, effective 6/7/91.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-04-170, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-04-170, filed 9/10/98, effective 10/12/98; 98-08-024, § 251-04-170, filed 3/20/98, effective 5/1/98.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-05
PUBLIC RECORDS

- 251-05-010 Purpose. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-05-010, filed 9/10/98, effective 10/12/98; Order 61, § 251-05-010, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-010, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-05-030 Description and location of departmental organization. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-05-030, filed 9/10/98, effective 10/12/98; Order 61, § 251-05-030, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-030, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-05-040 Method of operation. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-05-040, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-05-040, filed 9/10/98, effective 10/12/98; Order 61, § 251-05-040, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-040, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-05-050 Office hours. [Statutory Authority: RCW 41.06.150. 98-19-031, § 251-05-050, filed 9/10/98, effective 10/12/98; Order 61, § 251-05-050, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-050, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-05-060 Records—Availability—Copies. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-05-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-05-060, filed 1/2/87, effective 2/1/87; Order 61, § 251-05-060, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-060, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-05-070 Exemptions—Public records. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-05-070, filed 9/10/98, effective 10/12/98; Order 61, § 251-05-070, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-070, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-05-080 Appeal—Denial of public records request. [Order 61, § 251-05-080, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-080, filed 5/24/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-06
CLASSIFICATION

- 251-06-010 Classification plan—Preparation. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-06-010, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-06-010, filed 7/22/82, effective 9/1/82; Order 61, § 251-06-010, filed 8/30/77, effective 10/1/77; Order 1, § 251-06-010, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-020 Classification plan—Adoption. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-06-020, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-06-020, filed 9/10/98, effective 10/12/98; 96-11-063, § 251-06-020, filed 5/10/96, effective 6/6/96; 95-19-055, § 251-06-020, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-06-020, filed 9/22/93, effective 10/23/93; Order 61, § 251-06-020, filed 8/30/77, effective 10/1/77; Order 1, § 251-06-020, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-030 Interpretation of specifications. [Order 61, § 251-06-030, filed 8/30/77, effective 10/1/77; Order 1, § 251-06-030, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-050 Position allocation—Reallocation. [Statutory Authority: RCW 28B.16.100. 79-06-076 (Order 74), § 251-06-050, filed 5/30/79, effective 7/1/79; Order 61, § 251-06-050, filed 8/30/77, effective 10/1/77; Order 10, § 251-06-050, filed 12/16/71; Order 1, § 251-06-050, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-060 Position review. [Statutory Authority: RCW 28B.16.100. 80-02-111 (Order 83), § 251-06-060, filed 1/28/80; 79-06-076 (Order 74), § 251-06-060, filed 5/30/79, effective 7/1/79; 78-05-060 (Order 67), § 251-06-060, filed 4/27/78, effective 6/1/78; Order 61, § 251-06-060, filed 8/30/77, effective 10/1/77; Order 10, § 251-06-060, filed 12/16/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-065 Effective date—Allocation—Reallocation. [Order 61, § 251-06-065, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-070 Allocation appeal. [Statutory Authority: Chapter 41.06 RCW. 05-04-042, § 251-06-070, filed 1/27/05, effective 3/1/05. Statutory Authority: RCW 41.06.150. 98-19-035, § 251-06-070, filed 9/10/98, effective 10/12/98; 97-01-065, § 251-06-070, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 28B.16.100. 90-02-052, § 251-06-070, filed 12/29/89, effective 2/1/90; 82-04-069 (Order 93), § 251-06-070, filed 2/3/82; 79-12-088 (Order 81), § 251-06-070, filed 12/3/79; 78-06-068 (Order 68), § 251-06-070, filed 5/25/78, effective 7/1/78; Order 63, § 251-06-070, filed 11/22/77; Order 61, § 251-06-070, filed 8/30/77, effective 10/1/77; Order 37, § 251-06-070, filed 10/15/74; Order 10, § 251-06-070, filed 12/16/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-072 Exceptions—Allocation appeal. [Statutory Authority: Chapter 41.06 RCW. 05-04-042, § 251-06-072, filed 1/27/05, effective 3/1/05.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-080 Position reallocation—Effect on incumbent. [Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-06-080, filed 12/30/87, effective 2/1/88; 78-10-090 (Order 70), § 251-06-080, filed 9/29/78, effective 11/1/78; Order 61, § 251-06-080, filed 8/30/77, effective 10/1/77; Order 44, § 251-06-080, filed 6/25/75; Order 10, § 251-06-080, filed 12/16/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-06-090 Probationary period—Duration. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-06-090, filed 7/8/04, effective 8/8/04; 02-15-051, § 251-06-090, filed 7/11/02, effective 9/1/02; 98-19-035, § 251-06-090, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-06-090, filed 7/22/82, effective 9/1/82.] Repealed by 05-12-067,

251-06-091	filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW. Campus police officer probationary period—Duration. [Statutory Authority: RCW 41.06.150. 02-15-051, § 251-06-091, filed 7/11/02, effective 9/1/02.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-070	Salary—Limits. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-08-070, filed 7/8/04, effective 8/8/04; Order 61, § 251-08-070, filed 8/30/77, effective 10/1/77; Order 1, § 251-08-070, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
Chapter 251-07 PERSONNEL FILES			
251-07-010	Classified employee files—General provisions. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-010, filed 4/1/87, effective 5/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-075	Salary adjustment. [Statutory Authority: RCW 41.06.150. 00-16-004, § 251-08-075, filed 7/20/00, effective 9/1/00.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-07-020	Personnel files—Responsibility for. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-020, filed 4/1/87, effective 5/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-080	Salary—Entrance. [Order 61, § 251-08-080, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-080, filed 1/22/74; Order 1, § 251-08-080, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-07-030	Adverse materials. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-030, filed 4/1/87, effective 5/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-090	Salary—Periodic increment. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-08-090, filed 9/10/98, effective 10/12/98; 95-19-055, § 251-08-090, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-08-090, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 91-16-054, § 251-08-090, filed 8/1/91, effective 9/1/91; 85-20-049 (Order 136), § 251-08-090, filed 9/25/85; 84-16-067 (Order 119), § 251-08-090, filed 7/31/84; Order 61, § 251-08-090, filed 8/30/77, effective 10/1/77; Order 18, § 251-08-090, filed 10/25/72, effective 7/1/73; Order 1, § 251-08-090, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-07-040	Access. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-040, filed 4/1/87, effective 5/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-100	Periodic increment date. [Statutory Authority: RCW 41.06.150. 04-19-027, § 251-08-100, filed 9/9/04, effective 10/11/04; 98-19-035, § 251-08-100, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-15-023 (Order 170), § 251-08-100, filed 7/12/88; 88-02-017 (Order 164), § 251-08-100, filed 12/30/87, effective 2/1/88; 87-14-051 (Order 156), § 251-08-100, filed 7/1/87, effective 8/1/87; 85-16-038 (Order 134), § 251-08-100, filed 7/31/85, effective 9/1/85; 83-10-029 (Order 105), § 251-08-100, filed 4/29/83, effective 6/1/83; 78-06-068 (Order 68), § 251-08-100, filed 5/25/78, effective 7/1/78; Order 64, § 251-08-100, filed 12/23/77; Order 61, § 251-08-100, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-100, filed 1/22/74; Order 21, § 251-08-100, filed 5/24/73; Order 18, § 251-08-100, filed 10/25/72, effective 7/1/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-07-050	Destruction or retention of information. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-050, filed 4/1/87, effective 5/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-110	Salary—Promotion. [Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-08-110, filed 3/23/89, effective 5/1/89; 87-20-024 (Order 160), § 251-08-110, filed 9/30/87; Order 61, § 251-08-110, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-110, filed 1/22/74; Order 21, § 251-08-110, filed 5/24/73; Order 18, § 251-08-110, filed 10/25/72, effective 7/1/73; Order 1, § 251-08-110, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-07-060	Employee rebuttal. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-060, filed 4/1/87, effective 5/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-112	Salary—Reallocation. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-08-112, filed 7/8/04, effective 8/8/04. Statutory Authority: Chapter 28B.16 RCW. 91-13-011, § 251-08-112, filed 6/7/91, effective 6/7/91. Statutory Authority: RCW 28B.16.100. 91-10-003, § 251-08-112, filed 4/18/91, effective 6/1/91; 88-02-027 (Order 166), § 251-08-112, filed 12/31/87, effective 2/1/88; 87-20-024 (Order 160), § 251-08-112, filed 9/30/87; 78-06-068 (Order 68), § 251-08-112, filed 5/25/78, effective 7/1/78; Order 61, § 251-08-112, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-07-100	Temporary appointment records. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-07-100, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-07-100, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-07-100, filed 6/21/89, effective 10/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-115	Salary—Layoff, reversion, demotion. [Statutory Authority: RCW 41.06.150. 00-10-026, § 251-08-115, filed 4/24/00, effective 6/1/00; Order 61, § 251-08-115, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
Chapter 251-08 COMPENSATION			
251-08-005	Compensation plans—General. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-08-005, filed 7/8/04, effective 8/8/04; 02-15-049, § 251-08-005, filed 7/11/02, effective 9/1/02; 95-19-055, § 251-08-005, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-08-005, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-08-005, filed 4/1/87, effective 5/1/87; Order 61, § 251-08-005, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-08-120	Salary—Survey implementation. [Order 61, § 251-08-120, filed 8/30/77, effective 10/1/77; Order 1, § 251-08-120, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-08-007	Compensation plans—Content. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-08-007, filed 7/8/04, effective 8/8/04; Order 63, § 251-08-007, filed 11/22/77; Order 61, § 251-08-007, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-08-021	Compensation plans—Salary survey. [Statutory Authority: RCW 41.06.150. 02-15-049, § 251-08-021, filed 7/11/02, effective 9/1/02; 98-19-035, § 251-08-021, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-08-021, filed 4/1/87, effective 5/1/87; Order 61, § 251-08-021, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-08-031	Compensation plans—Adoption. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-08-031, filed 7/8/04, effective 8/8/04; Order 61, § 251-08-031, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		

Title 251**Title 251 WAC: Personnel—Higher Education**

- 251-08-130 Salary—Part time. [Statutory Authority: RCW 28B.16.100. 90-02-053, § 251-08-130, filed 12/29/89, effective 2/1/90; Order 61, § 251-08-130, filed 8/30/77, effective 10/1/77; Order 1, § 251-08-130, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-08-150 Salary—Conversion of exempt position. [Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-08-150, filed 12/30/87, effective 2/1/88; Order 64, § 251-08-150, filed 12/23/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-08-160 Payroll certification. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-08-160, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-08-160, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100 and 28B.16.190. 79-03-030 (Order 72), § 251-08-160, filed 2/27/79, effective 4/2/79.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-09
HOURS OF WORK—PREMIUM PAY

- 251-09-010 Hours of work—General. [Statutory Authority: RCW 28B.16.100. 90-02-053, § 251-09-010, filed 12/29/89, effective 2/1/90; Order 62, § 251-09-010, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-020 Work period designations. [Statutory Authority: RCW 41.06.150. 95-19-099, § 251-09-020, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 91-16-054, § 251-09-020, filed 8/1/91, effective 9/1/91; 83-20-020 (Order 108), § 251-09-020, filed 9/23/83, effective 10/24/83; 79-12-088 (Order 81), § 251-09-020, filed 12/3/79; Order 62, § 251-09-020, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-025 Schedule changes. [Statutory Authority: RCW 28B.16.100. 92-05-034, § 251-09-025, filed 2/11/92, effective 4/1/92; Order 62, § 251-09-025, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-030 Overtime. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-09-030, filed 11/14/02, effective 1/1/03. Statutory Authority: RCW 28B.16.100. 92-05-034, § 251-09-030, filed 2/11/92, effective 4/1/92; 86-12-006 (Order 151), § 251-09-030, filed 5/22/86, effective 7/1/86; 79-06-076 (Order 74), § 251-09-030, filed 5/30/79, effective 7/1/79; 78-06-068 (Order 68), § 251-09-030, filed 5/25/78, effective 7/1/78; Order 62, § 251-09-030, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-035 Holiday premium pay. [Order 62, § 251-09-035, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-040 Shift differential. [Statutory Authority: RCW 28B.16.100. 90-02-053, § 251-09-040, filed 12/29/89, effective 2/1/90; 85-14-045 (Order 129), § 251-09-040, filed 6/28/85; Order 62, § 251-09-040, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-060 Call back pay. [Order 62, § 251-09-060, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-070 Multilingual/sign language/Braille premium pay. [Order 62, § 251-09-070, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-080 Standby pay. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-09-080, filed 7/8/04, effective 8/8/04; 00-10-026, § 251-09-080, filed 4/24/00, effective 6/1/00; Order 62, § 251-09-080, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-09-090 Special pay—Purpose. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-09-090, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 28B.16.100. 90-

10-044, § 251-09-090, filed 4/27/90, effective 6/1/90; 83-20-020 (Order 108), § 251-09-090, filed 9/23/83, effective 10/24/83; 80-02-111 (Order 83), § 251-09-090, filed 1/28/80; 78-06-068 (Order 68), § 251-09-090, filed 5/25/78, effective 7/1/78; Order 62, § 251-09-090, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-09-092 Special pay—Categories. [Statutory Authority: RCW 28B.16.100. 90-10-044, § 251-09-092, filed 4/27/90, effective 6/1/90.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-09-094 Special pay—Requirements. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-09-094, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 28B.16.100. 90-10-044, § 251-09-094, filed 4/27/90, effective 6/1/90.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-09-100 Hazardous conditions pay. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-09-100, filed 7/8/04, effective 8/8/04; Order 62, § 251-09-100, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-09-110 Rest periods. [Order 62, § 251-09-110, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-10
RESIGNATION—LAYOFF—SEPARATION

251-10-020 Resignation—Withdrawals. [Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-10-020, filed 7/29/87, effective 9/1/87; Order 61, § 251-10-020, filed 8/30/77, effective 10/1/77; Order 1, § 251-10-020, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-10-025 Layoff seniority—General provisions. [Statutory Authority: RCW 41.06.150. 04-19-027, § 251-10-025, filed 9/9/04, effective 10/11/04. Statutory Authority: RCW 28B.16.100. 86-14-041 (Order 152), § 251-10-025, filed 6/26/86, effective 8/1/86; 85-04-019 (Order 123), § 251-10-025, filed 1/30/85.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-10-030 Layoff. [Statutory Authority: RCW 41.06.150. 02-19-064, § 251-10-030, filed 9/12/02, effective 11/1/02; 98-19-035, § 251-10-030, filed 9/10/98, effective 10/12/98; 98-03-051, § 251-10-030, filed 1/16/98, effective 3/1/98. Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 96-13-078, § 251-10-030, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 28B.16.100. 93-01-155, § 251-10-030, filed 12/23/92, effective 2/1/93; 88-22-057 (Order 174), § 251-10-030, filed 11/1/88; 88-02-017 (Order 164), § 251-10-030, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-10-030, filed 1/2/87, effective 2/1/87; 85-16-038 (Order 134), § 251-10-030, filed 7/31/85, effective 9/1/85; 82-07-074 (Order 94), § 251-10-030, filed 3/23/82; 79-07-096 (Order 76), § 251-10-030, filed 6/29/79, effective 8/1/79; 79-03-029 (Order 71), § 251-10-030, filed 2/27/79, effective 4/2/79; Order 61, § 251-10-030, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-030, filed 6/25/75; Order 41, § 251-10-030, filed 3/17/75; Order 35, § 251-10-030, filed 7/23/74; Order 32, § 251-10-030, filed 3/19/74; Order 8, § 251-10-030, filed 6/17/71, effective 7/19/71; Order 4, § 251-10-030, filed 2/19/71; Order 1, § 251-10-030, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-10-034 Layoff rights—Interlocal Cooperation Act. [Statutory Authority: RCW 28B.16.100. 79-08-120 (Order 78), § 251-10-034, filed 7/31/79.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-10-035 Layoff—Special employment programs. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-10-035, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-10-035, filed 11/1/88; 88-02-017 (Order 164), § 251-10-035, filed 12/30/87, effective 2/1/88; 85-16-038 (Order

	134), § 251-10-035, filed 7/31/85, effective 9/1/85; 82-19-067 (Order 102), § 251-10-035, filed 9/20/82, effective 10/25/82; 79-07-096 (Order 76), § 251-10-035, filed 6/29/79, effective 8/1/79; Order 61, § 251-10-035, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-035, filed 6/25/75.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-045	Layoff—Veterans retention preference. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-10-045, filed 3/30/84, effective 5/1/84; 82-16-002 (Order 98), § 251-10-045, filed 7/22/82, effective 9/1/82; Order 61, § 251-10-045, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-055	Layoff lists—Institution-wide. [Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-10-055, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-10-055, filed 1/2/87, effective 2/1/87; 85-20-050 (Order 137), § 251-10-055, filed 9/25/85, effective 11/1/85; 84-08-032 (Order 113), § 251-10-055, filed 3/30/84, effective 5/1/84; 82-19-067 (Order 102), § 251-10-055, filed 9/20/82, effective 10/25/82; 81-15-003 (Order 88), § 251-10-055, filed 7/2/81; 78-06-068 (Order 68), § 251-10-055, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-055, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-060	Layoff lists—Statewide. [Statutory Authority: RCW 41.06.150. 97-01-065, § 251-10-060, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-10-060, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-10-060, filed 9/23/83, effective 10/24/83; 82-16-002 (Order 98), § 251-10-060, filed 7/22/82, effective 9/1/82; 78-10-090 (Order 70), § 251-10-060, filed 9/29/78, effective 11/1/78; Order 61, § 251-10-060, filed 8/30/77, effective 10/1/77; Order 32, § 251-10-060, filed 3/19/74.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-061	Layoff list—Statewide—Additional certification. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-10-061, filed 9/14/93, effective 10/1/93.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-070	Separation. [Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-10-070, filed 3/23/89, effective 5/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-080	Reasonable accommodation—Reemployment. [Statutory Authority: RCW 28B.16.100. 92-01-031, § 251-10-080, filed 12/6/91, effective 2/1/92; 89-08-003 (Order 176), § 251-10-080, filed 3/23/89, effective 5/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-090	Reasonable accommodation reemployment—Probationary period. [Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-10-090, filed 3/23/89, effective 5/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-10-112	Medical examination—Current employee. [Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-10-112, filed 1/30/85.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
Chapter 251-11 DISCIPLINE		
251-11-010	Notice of unsatisfactory work. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-010, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-020	Predisciplinary notice. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-020, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-030	Demotion, suspension, reduction, dismissal—Cause for. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-11-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), §	
	251-11-030, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
	Removal from supervisory positions. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-040, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-050	Dismissal—Grounds for—Notice. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-11-050, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-050, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-060	Suspension—Grounds for—Duration—Notice. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-060, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-070	Immediate dismissal—Cause for. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-070, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-080	Reduction, demotion—Procedure. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-080, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-090	Withdrawal or amendment of charges—Time limitation. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-11-090, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-090, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-100	Dismissal—Union shop—Notice—Recision. [Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-11-100, filed 3/23/89, effective 5/1/89; 88-22-057 (Order 174), § 251-11-100, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-110	Presumption of resignation—Unauthorized absence. [Statutory Authority: RCW 41.06.150. 97-01-065, § 251-11-110, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-110, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-120	Probationary period—Rejection. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-11-120, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-120, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-11-130	Trial service reversion. [Statutory Authority: RCW 41.06.150. 99-19-118, § 251-11-130, filed 9/21/99, effective 11/1/99; 98-19-035, § 251-11-130, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-130, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
Chapter 251-12 APPEALS		
251-12-071	Appeals from allocation. [Order 61, § 251-12-071, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-12-072	Appeals from eligibility determinations. [Statutory Authority: RCW 28B.16.100. 93-01-157, § 251-12-072, filed 12/23/92, effective 2/1/93; 88-02-017 (Order 164), § 251-12-072, filed 12/30/87, effective 2/1/88; 84-24-032 (Order 122), § 251-12-072, filed 11/30/84, effective 1/1/85; Order 61, § 251-12-072, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-12-075	Appeals from alleged violations of chapter 41.06 RCW or Title 251 WAC. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-075, filed 9/10/98, effective 10/12/98; 97-01-065, § 251-12-075, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 28B.16.100. 34.05.220 and [34.05.]250. 89-22-020, §	

	251-12-075, filed 10/24/89, effective 12/1/89. Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-12-075, filed 3/23/89, effective 5/1/89; Order 61, § 251-12-075, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		12-110, filed 10/27/80, effective 12/1/80; Order 61, § 251-12-110, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-110, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-076	Appeals from denial of parental leave requests. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-076, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-076, filed 10/24/89, effective 12/1/89. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-12-076, filed 9/30/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-120	Standards of ethical conduct. [Order 61, § 251-12-120, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-120, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-080	Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissal. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-080, filed 9/10/98, effective 10/12/98; 97-01-065, § 251-12-080, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-080, filed 10/24/89, effective 12/1/89. Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-12-080, filed 7/31/84; 82-10-006 (Order 95), § 251-12-080, filed 4/26/82, effective 6/1/82; Order 61, § 251-12-080, filed 8/30/77, effective 10/1/77; Order 21, § 251-12-080, filed 5/24/73; Order 1, § 251-12-080, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-140	Service of papers. [Order 61, § 251-12-140, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-140, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-099	Filing of prehearing statements. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-099, filed 9/10/98, effective 10/12/98; 96-09-055, § 251-12-099, filed 4/12/96, effective 6/1/96. Statutory Authority: RCW 28B.16.100. 90-13-017, § 251-12-099, filed 6/8/90, effective 7/9/90.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-170	Subpoenas—Form. [Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-170, filed 10/24/89, effective 12/1/89; Order 61, § 251-12-170, filed 8/30/77, effective 10/1/77; Order 9, § 251-12-170, filed 10/15/71; Order 1, § 251-12-170, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-100	Hearings before the board. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-100, filed 9/10/98, effective 10/12/98; 96-09-055, § 251-12-100, filed 4/12/96, effective 6/1/96. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-100, filed 10/24/89, effective 12/1/89. Statutory Authority: RCW 28B.16.100. 83-10-029 (Order 105), § 251-12-100, filed 4/29/83, effective 6/1/83; Order 61, § 251-12-100, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-100, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-180	Subpoenas—Issuance to parties. [Statutory Authority: RCW 41.06.150. 96-09-055, § 251-12-180, filed 4/12/96, effective 6/1/96. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-180, filed 10/24/89, effective 12/1/89; Order 61, § 251-12-180, filed 8/30/77, effective 10/1/77; Order 33, § 251-12-180, filed 6/18/74; Order 9, § 251-12-180, filed 10/15/71; Order 1, § 251-12-180, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-102	Hearings—Motion for continuance—Procedure. [Statutory Authority: RCW 41.06.150. 96-09-055, § 251-12-102, filed 4/12/96, effective 6/1/96. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-102, filed 10/24/89, effective 12/1/89. Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-12-102, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-190	Subpoenas—Service of subpoena. [Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-190, filed 10/24/89, effective 12/1/89; Order 61, § 251-12-190, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-190, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-103	Dismissal by the board for lack of action. [Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-12-103, filed 11/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-200	Subpoenas—Witness fees. [Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-200, filed 10/24/89, effective 12/1/89; Order 61, § 251-12-200, filed 8/30/77, effective 10/1/77; Order 9, § 251-12-200, filed 10/15/71; Order 1, § 251-12-200, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-104	Prehearing procedures—Exhibits. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-104, filed 9/10/98, effective 10/12/98; 96-09-055, § 251-12-104, filed 4/12/96, effective 6/1/96.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-210	Subpoenas—Proof of service. [Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-210, filed 10/24/89, effective 12/1/89; Order 61, § 251-12-210, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-210, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-105	Scheduling of hearings. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-105, filed 9/10/98, effective 10/12/98; 96-09-055, § 251-12-105, filed 4/12/96, effective 6/1/96.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-220	Subpoenas—Quashing. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-220, filed 9/10/98, effective 10/12/98; Order 61, § 251-12-220, filed 8/30/77, effective 10/1/77; Order 33, § 251-12-220, filed 6/18/74; Order 1, § 251-12-220, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-106	Withdrawals—Default at hearings. [Statutory Authority: RCW 41.06.150. 96-09-055, § 251-12-106, filed 4/12/96, effective 6/1/96.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-12-230	Discovery—Depositions—Interrogatories. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-230, filed 9/10/98, effective 10/12/98; Order 61, § 251-12-230, filed 8/30/77, effective 10/1/77; Order 33, § 251-12-230, filed 6/18/74; Order 1, § 251-12-230, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-110	Appearance and practice before the board. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-12-110, filed 7/31/84; 80-16-009 (Order 86), § 251-	251-12-231	Informal settlements. [Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-231, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		251-12-232	Prehearing conference. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-232, filed 9/10/98, effective 10/12/98; 96-09-055, § 251-12-232, filed 4/12/96, effective 6/1/96. Statutory Authority: RCW 28B.16.100, 34.05.220 and [34.05.]250. 89-22-020, § 251-12-232, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		251-12-240	Burden of proof. [Statutory Authority: RCW 28B.16.100. 93-06-033, § 251-12-240, filed 2/23/93, effective 4/1/93; 88-02-017 (Order 164), § 251-12-240,

	filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-12-240, filed 1/2/87, effective 2/1/87; 84-16-067 (Order 119), § 251-12-240, filed 7/31/84; 81-18-039 (Order 90), § 251-12-240, filed 8/28/81, effective 10/1/81; 78-06-068 (Order 68), § 251-12-240, filed 5/25/78, effective 7/1/78; Order 61, § 251-12-240, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-240, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-052	Union shop representative election. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-052, filed 7/11/02, effective 9/1/02; 98-19-035, § 251-14-052, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-14-052, filed 8/29/88, effective 10/1/88; Order 61, § 251-14-052, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-052, filed 7/17/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-250	Findings of fact—Conclusions of law—Filing procedure. [Statutory Authority: RCW 28B.16.100. 34.05.220 and [34.05.]250. 89-22-020, § 251-12-250, filed 10/24/89, effective 12/1/89; Order 61, § 251-12-250, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-250, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-054	Union shop representative decertification election. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-054, filed 7/11/02, effective 9/1/02; Order 61, § 251-14-054, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-054, filed 7/17/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-260	Restoration of rights. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-260, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 89-01-071 (Order 175), § 251-12-260, filed 12/20/88, effective 2/1/89; 83-20-020 (Order 108), § 251-12-260, filed 9/23/83, effective 10/24/83; Order 61, § 251-12-260, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-260, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-056	Employee listings. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-056, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 28B.16.100. 88-08-018 (Order 167), § 251-14-056, filed 3/29/88, effective 5/1/88; Order 61, § 251-14-056, filed 8/30/77, effective 10/1/77; Order 42, § 251-14-056, filed 5/23/75; Order 25, § 251-14-056, filed 7/17/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-500	Relief from effect of board's order. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-12-500, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-12-500, filed 12/30/87, effective 2/1/88; Order 61, § 251-12-500, filed 8/30/77, effective 10/1/77; Order 29, § 251-12-500, filed 1/22/74.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-057	Election validity—Objections. [Order 61, § 251-14-057, filed 8/30/77, effective 10/1/77; Order 44, § 251-14-057, filed 6/25/75.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-12-600	Remedial action. [Statutory Authority: RCW 41.06.150. 01-11-112, § 251-12-600, filed 5/22/01, effective 7/1/01; 98-19-035, § 251-12-600, filed 9/10/98, effective 10/12/98; 97-13-045, § 251-12-600, filed 6/13/97, effective 8/1/97. Statutory Authority: RCW 28B.16.100. 28B.16.040(2) and 70.24.300. 90-01-007, § 251-12-600, filed 12/7/89, effective 1/7/90. Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-12-600, filed 6/21/89, effective 10/1/89; 88-22-057 (Order 174), § 251-12-600, filed 11/1/88; 81-24-019 (Order 92), § 251-12-600, filed 11/24/81, effective 1/1/82; 79-03-029 (Order 71), § 251-12-600, filed 2/27/79, effective 4/2/79; Order 61, § 251-12-600, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-058	Union shop requirements. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-058, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 28B.16.100. 89-01-071 (Order 175), § 251-14-058, filed 12/20/88, effective 2/1/89; 88-18-018 (Order 172), § 251-14-058, filed 8/29/88, effective 10/1/88; 82-16-002 (Order 98), § 251-14-058, filed 7/22/82, effective 9/1/82; Order 61, § 251-14-058, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-058, filed 7/17/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		251-14-060	Contents of written agreements. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-060, filed 7/11/02, effective 9/1/02; 98-19-035, § 251-14-060, filed 9/10/98, effective 10/12/98; 97-06-012, § 251-14-060, filed 2/25/97, effective 4/1/97. Statutory Authority: RCW 28B.16.100. 86-09-076 (Order 148), § 251-14-060, filed 4/22/86, effective 6/1/86; Order 61, § 251-14-060, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-060, filed 2/26/76; Order 42, § 251-14-060, filed 5/23/75; Order 25, § 251-14-060, filed 7/17/73; Order 2, § 251-14-060, filed 3/12/70.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
Chapter 251-14			
COLLECTIVE BARGAINING			
251-14-005	Purpose. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-005, filed 7/11/02, effective 9/1/02; Order 61, § 251-14-005, filed 8/30/77, effective 10/1/77; Order 42, § 251-14-005, filed 5/23/75; Order 25, § 251-14-005, filed 7/17/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-100	Mediation—Collective bargaining impasse—Grievance disputes. [Statutory Authority: RCW 28B.16.100. 87-20-023 (Order 162), § 251-14-100, filed 9/30/87; Order 61, § 251-14-100, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-100, filed 2/26/76; Order 2, § 251-14-100, filed 3/12/70.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-14-010	Employee rights. [Order 61, § 251-14-010, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-010, filed 7/17/73; Order 2, § 251-14-010, filed 3/12/70; Order 1, § 251-14-010, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-110	Arbitration—Collective bargaining impasse—Grievance disputes. [Statutory Authority: RCW 41.06.150. 97-01-065, § 251-14-110, filed 12/13/96, effective 1/13/97; 96-09-055, § 251-14-110, filed 4/12/96, effective 6/1/96. Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-14-110, filed 3/23/89, effective 5/1/89; 87-20-023 (Order 162), § 251-14-110, filed 9/30/87; Order 61, § 251-14-110, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-110, filed 2/26/76; Order 2, § 251-14-110, filed 3/12/70.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-14-020	Employee organization filing requirements. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-020, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-14-020, filed 8/29/88, effective 10/1/88; Order 61, § 251-14-020, filed 8/30/77, effective 10/1/77; Order 42, § 251-14-020, filed 5/23/75; Order 2, § 251-14-020, filed 3/12/70; Order 1, § 251-14-020, filed 9/15/69.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-14-120	Requests for mediation and arbitration. [Statutory Authority: RCW 41.06.150. 02-15-048, § 251-14-120, filed 7/11/02, effective 9/1/02; 97-06-012, § 251-14-120, filed 2/25/97, effective 4/1/97. Statutory Authority: RCW 28B.16.100. 80-15-026 (Order 85), § 251-14-120, filed 10/8/80.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-14-035	Election standards and procedures. [Order 61, § 251-14-035, filed 8/30/77, effective 10/1/77; Order 42, § 251-14-035, filed 5/23/75; Order 25, § 251-14-035, filed 7/17/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		

251-14-130 Arbitration—Grievance—Procedure. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-14-130, filed 9/10/98, effective 10/12/98; 97-01-065, § 251-14-130, filed 12/13/96, effective 1/13/97; 96-09-055, § 251-14-130, filed 4/12/96, effective 6/1/96.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-17 RECRUITMENT—EXAMINATION

251-17-010 Examination—Requirement—Responsibilities. [Statutory Authority: RCW 41.06.150. 96-02-072, § 251-17-010, filed 1/3/96, effective 2/3/96; 95-19-099, § 251-17-010, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-010, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-020 Promotional organizational units—Establishment. [Statutory Authority: RCW 41.06.150. 95-19-099, § 251-17-020, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-020, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-030 Eligible list—Related list. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-030, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-040 Noncompetitive service. [Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-040, filed 12/23/92, effective 2/1/93; 88-02-018 (Order 165), § 251-17-040, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-050 Recruitment notice—Publicity—Duration. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-050, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-060 Recruitment notices—Required content. [Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-060, filed 12/23/92, effective 2/1/93; 88-02-018 (Order 165), § 251-17-060, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-070 Application materials—Distribution to applicants. [Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-070, filed 12/23/92, effective 2/1/93; 88-02-018 (Order 165), § 251-17-070, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-080 Examinations—Employee release time. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-080, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-090 Examination—Eligibility. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-17-090, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-17-090, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-17-090, filed 3/23/89, effective 5/1/89; 88-02-018 (Order 165), § 251-17-090, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-100 Application forms—Acceptance. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-100, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-110 Examination administration. [Statutory Authority: RCW 41.06.150. 95-19-099, § 251-17-110, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-110, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-120 Examinations—Evaluation of. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-17-120, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-120, filed

12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-130 Application—Disqualification—Rejection. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-130, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-150 Veterans scoring in examinations. [Statutory Authority: RCW 41.06.150. 03-20-010, § 251-17-150, filed 9/19/03, effective 9/19/03; 02-15-052, § 251-17-150, filed 7/11/02, effective 9/1/02; 96-11-061, § 251-17-150, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-150, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-160 Examination results—Notification. [Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-160, filed 12/23/92, effective 2/1/93; 88-02-018 (Order 165), § 251-17-160, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-165 Institutional review—Notification. [Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-165, filed 12/23/92, effective 2/1/93.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-170 Examination—Eligibility—Right of appeal. [Statutory Authority: RCW 41.06.150. 96-02-072, § 251-17-170, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-170, filed 12/23/92, effective 2/1/93; 88-02-018 (Order 165), § 251-17-170, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-180 Examination—Medical. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-180, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-190 Examinations—Records requirements. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-190, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-17-200 Modification of minimum qualifications. [Statutory Authority: RCW 41.06.150. 02-07-050, § 251-17-200, filed 3/14/02, effective 5/1/02; 95-19-099, § 251-17-200, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 93-01-158, § 251-17-200, filed 12/23/92, effective 2/1/93; 88-02-018 (Order 165), § 251-17-200, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-18 CERTIFICATION

251-18-180 Eligible lists—Definition—Composition. [Statutory Authority: RCW 41.06.150. 98-19-031, § 251-18-180, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-18-180, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 92-05-034, § 251-18-180, filed 2/11/92, effective 4/1/92; 89-08-003 (Order 176), § 251-18-180, filed 3/23/89, effective 5/1/89; 88-02-018 (Order 165), § 251-18-180, filed 12/30/87, effective 2/1/88; 86-03-081 (Order 143), § 251-18-180, filed 1/22/86, effective 3/1/86; 84-16-067 (Order 119), § 251-18-180, filed 7/31/84; 84-10-056 (Order 115), § 251-18-180, filed 5/2/84; 84-08-032 (Order 113), § 251-18-180, filed 3/30/84, effective 5/1/84; 84-02-042 (Order 110), § 251-18-180, filed 12/30/83, effective 2/1/84; Order 61, § 251-18-180, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-180, filed 9/19/75; Order 44, § 251-18-180, filed 6/25/75; Order 32, § 251-18-180, filed 3/19/74; Order 21, § 251-18-180, filed 5/24/73; Order 12, § 251-18-180, filed 5/23/72, effective 6/25/72; Order 8, § 251-18-180, filed 6/17/71, effective 7/19/71; Order 6, § 251-18-180, filed 4/21/71, effective 5/25/71; Order 4, § 251-18-180, filed 2/19/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

251-18-190	Eligible lists—Duration. [Statutory Authority: RCW 41.06.150. 02-19-064, § 251-18-190, filed 9/12/02, effective 11/1/02. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-18-190, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-18-190, filed 1/30/85; 84-10-056 (Order 115), § 251-18-190, filed 5/2/84; Order 61, § 251-18-190, filed 8/30/77, effective 10/1/77; Order 32, § 251-18-190, filed 3/19/74; Order 21, § 251-18-190, filed 5/24/73; Order 4, § 251-18-190, filed 2/19/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-18-200	Eligible lists—Removal of name—Notification. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-18-200, filed 12/30/87, effective 2/1/88; 85-04-019 (Order 123), § 251-18-200, filed 1/30/85; 84-10-056 (Order 115), § 251-18-200, filed 5/2/84; 79-03-029 (Order 71), § 251-18-200, filed 2/27/79; Order 61, § 251-18-200, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-200, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-18-240	Certification—Method. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-18-240, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 90-17-037, § 251-18-240, filed 8/10/90, effective 10/1/90; 86-06-034 (Order 145), § 251-18-240, filed 2/28/86, effective 4/1/86; 85-16-038 (Order 134), § 251-18-240, filed 7/31/85, effective 9/1/85; 84-16-067 (Order 119), § 251-18-240, filed 7/31/84; 84-10-056 (Order 115), § 251-18-240, filed 5/2/84; 82-16-002 (Order 98), § 251-18-240, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-240, filed 1/30/78; Order 61, § 251-18-240, filed 8/30/77, effective 10/1/77; Order 57, § 251-18-240, filed 3/18/77, effective 4/18/77; Order 44, § 251-18-240, filed 6/25/75; Order 41, § 251-18-240, filed 3/17/75; Order 39, § 251-18-240, filed 12/24/74; Order 32, § 251-18-240, filed 3/19/74; Order 21, § 251-18-240, filed 5/24/73; Order 14, § 251-18-240, filed 6/18/72; Order 4, § 251-18-240, filed 2/19/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-18-255	Certification—Specific position requirements. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-18-255, filed 12/30/87, effective 2/1/88; 85-16-038 (Order 134), § 251-18-255, filed 7/31/85, effective 9/1/85.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-18-260	Certification—Incomplete. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-18-260, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-260, filed 5/2/84; 82-16-002 (Order 98), § 251-18-260, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-18-260, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-260, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-260, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-18-265	Certification—Concurrent. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-265, filed 5/2/84; 82-16-002 (Order 98), § 251-18-265, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-265, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-18-280	Certification—Selection—Actions required. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-18-280, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 90-17-037, § 251-18-280, filed 8/10/90, effective 10/1/90; 82-16-002 (Order 98), § 251-18-280, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-280, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-280, filed 5/24/73; Order 4, § 251-18-280, filed 2/19/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-18-285	Certification—Error—Correction. [Statutory Authority: RCW 28B.16.100. 85-10-056 (Order 126), § 251-18-285, filed 5/1/85, effective 6/1/85.] Repealed by 05-12-	
		Chapter 251-19 APPOINTMENT
251-19-010	Returning employee provisions—Layoff. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-19-010, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-010, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-020	Returning employee provisions—Reemployment. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-020, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-050	Appointment—Probationary. [Statutory Authority: RCW 41.06.150. 99-19-118, § 251-19-050, filed 9/21/99, effective 11/1/99; 97-01-065, § 251-19-050, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-050, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-060	Trial service period. [Statutory Authority: RCW 41.06.150. 02-15-051, § 251-19-060, filed 7/11/02, effective 9/1/02; 99-19-118, § 251-19-060, filed 9/21/99, effective 11/1/99; 98-19-035, § 251-19-060, filed 9/10/98, effective 10/12/98; 97-01-065, § 251-19-060, filed 12/13/96, effective 1/13/97. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-19-060, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-060, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-070	Appointment—Alternate. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-19-070, filed 7/8/04, effective 8/8/04; 95-19-099, § 251-19-070, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-070, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-080	Appointment—Permanent status. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-080, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-085	Appointment—Police corps program. [Statutory Authority: RCW 41.06.150. 00-11-121, § 251-19-085, filed 5/22/00, effective 7/1/00.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-090	Reassignment. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-090, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-100	Transfer—Lateral movement—Voluntary demotion. [Statutory Authority: RCW 41.06.150. 98-08-026, § 251-19-100, filed 3/20/98, effective 5/1/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-19-100, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 89-13-075 (Order 180), § 251-19-100, filed 6/21/89, effective 8/1/89; 88-02-018 (Order 165), § 251-19-100, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-105	Accommodation due to disability. [Statutory Authority: RCW 41.06.150. 98-08-025, § 251-19-105, filed 3/20/98, effective 5/1/98; 96-05-026, § 251-19-105, filed 2/13/96, effective 4/1/96. Statutory Authority: RCW 28B.16.100. 89-13-075 (Order 180), § 251-19-105, filed 6/21/89, effective 8/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	
251-19-110	Permanent classified employee interinstitutional and intersystem movement. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-19-110, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-110, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067,	

	filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-19-120	Appointment—Temporary. [Statutory Authority: RCW 41.06.150. 02-07-051, § 251-19-120, filed 3/14/02, effective 5/1/02; 98-19-035, § 251-19-120, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 91-10-002, § 251-19-120, filed 4/18/91, effective 6/1/91. Statutory Authority: RCW 28B.16.100. 28B.16.040(2) and 70.24.300. 90-01-007, § 251-19-120, filed 12/7/89, effective 1/7/90. Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-19-120, filed 6/21/89, effective 10/1/89; 88-02-018 (Order 165), § 251-19-120, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-20-020	Employee performance evaluation—Forms. [Statutory Authority: RCW 41.06.150. 00-10-027, § 251-20-020, filed 4/24/00, effective 6/1/00; 97-13-045, § 251-20-020, filed 6/13/97, effective 8/1/97. Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-20-020, filed 7/31/84; 78-06-068 (Order 68), § 251-20-020, filed 5/25/78, effective 7/1/78.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-122	Written notification of temporary appointment. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-19-122, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-19-122, filed 6/21/89, effective 10/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-20-030	Method of evaluation. [Statutory Authority: RCW 41.06.150. 00-10-027, § 251-20-030, filed 4/24/00, effective 6/1/00. Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-20-030, filed 9/25/85; 84-16-067 (Order 119), § 251-20-030, filed 7/31/84; 81-15-021 (Order 89), § 251-20-030, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-030, filed 5/25/78, effective 7/1/78.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-130	Appointment—Cyclic year position. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-130, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-20-040	Employee performance evaluation—Procedure. [Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-20-040, filed 9/25/85; 84-16-067 (Order 119), § 251-20-040, filed 7/31/84; 81-15-021 (Order 89), § 251-20-040, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-040, filed 5/25/78, effective 7/1/78.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-140	Apprenticeship programs. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-19-140, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-19-140, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-140, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-20-050	Employee performance evaluation—Appeal. [Statutory Authority: RCW 28B.16.100. 85-22-022 (Order 141), § 251-20-050, filed 10/30/85, effective 12/1/85; 84-16-067 (Order 119), § 251-20-050, filed 7/31/84; 81-15-021 (Order 89), § 251-20-050, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-050, filed 5/25/78, effective 7/1/78.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-150	Special employment programs. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-150, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-20-060	Employee performance evaluation—Responsibility. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-060, filed 5/25/78, effective 7/1/78.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-154	Return to work initiative. [Statutory Authority: RCW 41.06.150. 98-13-058, § 251-19-154, filed 6/11/98, effective 8/1/98.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-19-155	Workers' compensation—Return-to-work—Purpose. [Statutory Authority: RCW 28B.16.100. 91-10-001, § 251-19-155, filed 4/18/91, effective 6/1/91.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-19-156	Workers' compensation—Return-to-work—Opportunity. [Statutory Authority: RCW 28B.16.100. 91-10-001, § 251-19-156, filed 4/18/91, effective 6/1/91.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-040	Holidays. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-22-040, filed 9/10/98, effective 10/12/98; 95-19-099, § 251-22-040, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-22-040, filed 1/2/87, effective 2/1/87; 86-08-037 (Order 146), § 251-22-040, filed 3/26/86, effective 5/1/86; 85-16-038 (Order 134), § 251-22-040, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-22-040, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-040, filed 4/29/83, effective 6/1/83; Order 61, § 251-22-040, filed 8/30/77, effective 10/1/77; Order 60, § 251-22-040, filed 7/18/77; Order 55, § 251-22-040, filed 6/1/76; Order 42, § 251-22-040, filed 5/23/75; Order 41, § 251-22-040, filed 3/17/75; Order 29, § 251-22-040, filed 1/22/74; Order 8, § 251-22-040, filed 6/17/71, effective 7/19/71; Order 3, § 251-22-040, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-157	Workers' compensation—Return-to-work—Program. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-19-157, filed 9/10/98, effective 10/12/98; 95-19-099, § 251-19-157, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 28B.16.100. 91-10-001, § 251-19-157, filed 4/18/91, effective 6/1/91.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-045	Personal holiday. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-22-045, filed 11/14/02, effective 1/1/03; 96-21-036, § 251-22-045, filed 10/10/96, effective 11/10/96. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-22-045, filed 1/2/87, effective 2/1/87; 83-20-020 (Order 108), § 251-22-045, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-045, filed 8/30/77, effective 10/1/77; Order 55, § 251-22-045, filed 6/1/76.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-19-158	Workers' compensation—Return-to-work—Eligibility. [Statutory Authority: RCW 28B.16.100. 91-10-001, § 251-19-158, filed 4/18/91, effective 6/1/91.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
251-19-160	Appointment—Conversion of exempt position. [Statutory Authority: RCW 28B.16.100. 91-10-002, § 251-19-160, filed 4/18/91, effective 6/1/91; 88-02-018 (Order 165), § 251-19-160, filed 12/30/87, effective 2/1/88.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-048	Leave—Procedures. [Order 61, § 251-22-048, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067,
251-19-180	Relocation compensation. [Statutory Authority: RCW 41.06.150. 99-19-119, § 251-19-180, filed 9/21/99, effective 11/1/99.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		
Chapter 251-20		Chapter 251-22	
EMPLOYEE PERFORMANCE EVALUATION		HOLIDAYS—LEAVE	
251-20-010	Employee performance evaluation—Authority, purpose, use. [Statutory Authority: RCW 41.06.150. 98-		

- filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-050 Leave—Authorization. [Order 61, § 251-22-050, filed 8/30/77, effective 10/1/77; Order 42, § 251-22-050, filed 5/23/75; Order 3, § 251-22-050, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-053 Leave—Accrual date. [Order 61, § 251-22-053, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-056 Leave—Alternate work schedule employees. [Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-22-056, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-056, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-059 Leave—Change of employment. [Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-22-059, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-059, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-060 Vacation leave—Accrual. [Statutory Authority: RCW 41.06.150. 04-19-027, § 251-22-060, filed 9/9/04, effective 10/11/04; 02-15-052, § 251-22-060, filed 7/11/02, effective 9/1/02; 98-19-035, § 251-22-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-22-060, filed 12/30/87, effective 2/1/88; 85-16-038 (Order 134), § 251-22-060, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-22-060, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-060, filed 4/29/83, effective 6/1/83; 79-03-029 (Order 71), § 251-22-060, filed 2/27/79, effective 4/2/79; Order 61, § 251-22-060, filed 8/30/77, effective 10/1/77; Order 49, § 251-22-060, filed 1/16/76; Order 47, § 251-22-060, filed 11/19/75; Order 23, § 251-22-060, filed 6/20/73, effective 1/1/74; Order 16, § 251-22-060, filed 7/27/72, effective 7/1/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-070 Vacation leave—Use. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-22-070, filed 11/14/02, effective 1/1/03. Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-22-070, filed 7/1/87, effective 8/1/87; 84-08-032 (Order 113), § 251-22-070, filed 3/30/84, effective 5/1/84; 83-20-020 (Order 108), § 251-22-070, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-070, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-070, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-080 Vacation leave—Accumulation—Excess. [Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-22-080, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-080, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-080, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-090 Vacation leave—Cash payment. [Statutory Authority: RCW 28B.16.100. 85-22-023 (Order 142), § 251-22-090, filed 10/30/85, effective 12/1/85; 85-16-038 (Order 134), § 251-22-090, filed 7/31/85, effective 9/1/85; 84-12-047 (Order 117), § 251-22-090, filed 6/1/84; 83-20-020 (Order 108), § 251-22-090, filed 9/23/83, effective 10/24/83; 82-19-067 (Order 102), § 251-22-090, filed 9/20/82, effective 10/25/82; Order 61, § 251-22-090, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-090, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-100 Sick leave—Accrual. [Order 61, § 251-22-100, filed 8/30/77, effective 10/1/77; Order 39, § 251-22-100, filed 12/24/74; Order 21, § 251-22-100, filed 5/24/73, effective 7/1/73; Order 16, § 251-22-100, filed 7/27/72, effective 7/1/73.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-110 Sick leave—Use. [Statutory Authority: RCW 41.06.150. 02-23-042, § 251-22-110, filed 11/14/02, effective 1/1/03. Statutory Authority: RCW 28B.16.100. 88-17-008 (Order 171), § 251-22-110, filed 8/5/88, effective 9/5/88; 88-13-019 (Order 168), § 251-22-110, filed 6/6/88; 87-14-051 (Order 156), § 251-22-110, filed 7/1/87, effective 8/1/87; Order 63, § 251-22-110, filed 11/22/77; Order 61, § 251-22-110, filed 8/30/77, effective 10/1/77; Order 39, § 251-22-110, filed 12/24/74; Order 29, § 251-22-110, filed 1/22/74; Permanent and Emergency Order 15, § 251-22-110, filed 7/14/72; Order 3, § 251-22-110, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-111 Sick leave—Reporting—Verification. [Statutory Authority: RCW 28B.16.100. 82-10-006 (Order 95), § 251-22-111, filed 4/26/82, effective 6/1/82; 80-02-111 (Order 83), § 251-22-111, filed 1/28/80; Order 61, § 251-22-111, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-112 Bereavement leave. [Statutory Authority: Chapter 28B.16 RCW. 91-13-012, § 251-22-112, filed 6/7/91, effective 8/1/91. Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-22-112, filed 7/1/87, effective 8/1/87; Order 61, § 251-22-112, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-116 Family and Medical Leave Act of 1993. [Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 96-13-077, § 251-22-116, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-14-115, § 251-22-116, filed 7/2/93, effective 8/5/93.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-117 Leave due to child care emergencies. [Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-22-117, filed 7/1/87, effective 8/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-124 Sick leave—Compensation for. [Statutory Authority: RCW 41.06.150. 96-21-036, § 251-22-124, filed 10/10/96, effective 11/10/96. Statutory Authority: RCW 28B.16.100. 79-10-055 (Order 80), § 251-22-124, filed 9/17/79.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-125 Sick leave—Former employees. [Statutory Authority: RCW 28B.16.100. 79-10-055 (Order 80), § 251-22-125, filed 9/17/79; Order 61, § 251-22-125, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-127 Medical expense plans. [Statutory Authority: RCW 41.06.150. 98-13-057, § 251-22-127, filed 6/11/98, effective 8/1/98.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-165 Workers' compensation—Leave. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-22-165, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-22-165, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 90-14-018, § 251-22-165, filed 6/27/90, effective 8/1/90; 83-20-020 (Order 108), § 251-22-165, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-165, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-167 Disability leave. [Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 96-13-077, § 251-22-167, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-16-061 and 93-14-115, § 251-22-167, filed 7/29/93 and 7/2/93, effective 8/5/93. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-167, filed 9/30/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-22-170 Military leave. [Statutory Authority: RCW 41.06.150. 01-23-013, § 251-22-170, filed 11/8/01, effective 1/1/02. Statutory Authority: RCW 28B.16.100. 91-16-054, § 251-22-170, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 28B.16.100 and 38.40.060. 89-22-018, § 251-22-170, filed 10/24/89, effective 12/1/89. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-170, filed 9/30/87; 83-20-020 (Order 108), § 251-22-170, filed 9/23/83, effective

	10/24/83; Order 61, § 251-22-170, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-170, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.		5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-180	Military leave without pay—Reemployment. [Statutory Authority: RCW 41.06.150.02-15-052, § 251-22-180, filed 7/11/02, effective 9/1/02; Order 61, § 251-22-180, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-180, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-260	Shared leave receipt. [Statutory Authority: RCW 41.06.150.03-20-011, § 251-22-260, filed 9/19/03, effective 9/19/03; 96-21-036, § 251-22-260, filed 10/10/96, effective 11/10/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-260, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-190	Civil duty leave. [Order 61, § 251-22-190, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-190, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-270	Shared leave use. [Statutory Authority: RCW 41.06.150.03-20-011, § 251-22-270, filed 9/19/03, effective 9/19/03; 96-11-059, § 251-22-270, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-270, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-195	Parental leave. [Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 96-13-077, § 251-22-195, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993, 93-16-061 and 93-14-115, § 251-22-195, filed 7/29/93 and 7/2/93, effective 8/5/93. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-195, filed 9/30/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-280	Leave donation. [Statutory Authority: RCW 41.06.150.03-20-011, § 251-22-280, filed 9/19/03, effective 9/19/03; 96-21-036, § 251-22-280, filed 10/10/96, effective 11/10/96; 96-11-059, § 251-22-280, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-280, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-200	Leave of absence without pay. [Statutory Authority: RCW 41.06.150.04-19-027, § 251-22-200, filed 9/9/04, effective 10/11/04. Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 96-13-077, § 251-22-200, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993, 93-14-115, § 251-22-200, filed 7/2/93, effective 8/5/93. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-200, filed 9/30/87; 87-14-051 (Order 156), § 251-22-200, filed 7/1/87, effective 8/1/87; 85-16-038 (Order 134), § 251-22-200, filed 7/31/85, effective 9/1/85; 84-12-047 (Order 117), § 251-22-200, filed 6/1/84; 83-20-020 (Order 108), § 251-22-200, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-200, filed 4/29/83, effective 6/1/83; 82-16-002 (Order 98), § 251-22-200, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-22-200, filed 5/25/78, effective 7/1/78; Order 61, § 251-22-200, filed 8/30/77, effective 10/1/77; Order 12, § 251-22-200, filed 5/23/72, effective 6/25/72; Order 3, § 251-22-200, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-22-290	Shared leave administration. [Statutory Authority: RCW 41.06.150.03-20-011, § 251-22-290, filed 9/19/03, effective 9/19/03; 96-21-036, § 251-22-290, filed 10/10/96, effective 11/10/96; 96-11-059, § 251-22-290, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-290, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		251-22-300	Shared leave records. [Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-300, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
		Chapter 251-23 AFFIRMATIVE ACTION	
251-22-210	Leave of absence—Duration. [Order 61, § 251-22-210, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-210, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-23-010	Affirmative action—Authority. [Statutory Authority: RCW 41.06.150.04-15-020, § 251-23-010, filed 7/8/04, effective 8/8/04; 99-05-042, § 251-23-010, filed 2/12/99, effective 4/1/99; 98-19-035, § 251-23-010, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-06-034 (Order 145), § 251-23-010, filed 2/28/86, effective 4/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-220	Leave of absence—Employee rights. [Order 61, § 251-22-220, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-220, filed 1/15/71.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-23-015	Affirmative action rules—Noncompliance. [Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-23-015, filed 7/29/87, effective 9/1/87.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-240	Suspended operation. [Statutory Authority: RCW 41.06.150.04-15-020, § 251-22-240, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-22-240, filed 9/23/83, effective 10/24/83; 81-07-002 (Order 87), § 251-22-240, filed 3/6/81, effective 4/6/81; Order 61, § 251-22-240, filed 8/30/77, effective 10/1/77; Order 47, § 251-22-240, filed 11/19/75, effective 12/22/75; Order 41, § 251-22-240, filed 3/17/75.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-23-020	Affirmative action plans—Requirements—Approval. [Statutory Authority: RCW 41.06.150.98-19-035, § 251-23-020, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 90-02-054, § 251-23-020, filed 12/29/89, effective 2/1/90; 86-06-034 (Order 145), § 251-23-020, filed 2/28/86, effective 4/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-245	Employee absence—Inclement weather. [Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-22-245, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-245, filed 8/30/77, effective 10/1/77; Order 41, § 251-22-245, filed 3/17/75.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.	251-23-030	Affirmative action plans—Monitoring progress—Reporting. [Statutory Authority: RCW 41.06.150.99-05-042, § 251-23-030, filed 2/12/99, effective 4/1/99; 98-19-035, § 251-23-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-06-034 (Order 145), § 251-23-030, filed 2/28/86, effective 4/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
251-22-250	Shared leave. [Statutory Authority: RCW 41.06.150.03-20-011, § 251-22-250, filed 9/19/03, effective 9/19/03; 96-11-059, § 251-22-250, filed 5/10/96, effective 6/6/96. Statutory Authority: Chapter 28B.16 RCW. 91-13-012, § 251-22-250, filed 6/7/91, effective 8/1/91. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-250, filed 10/24/89, effective 12/1/89.] Repealed by 05-12-067, filed	251-23-040	Affirmative action plans—Content. [Statutory Authority: RCW 41.06.150.00-10-026, § 251-23-040, filed 4/24/00, effective 6/1/00; 99-05-042, § 251-23-040, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-23-040, filed 1/2/87, effective 2/1/87; 86-06-034 (Order 145), § 251-23-040, filed 2/28/86, effective 4/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

- 251-23-050 Affirmative action—Goals. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-23-050, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-23-050, filed 1/2/87, effective 2/1/87; 86-06-034 (Order 145), § 251-23-050, filed 2/28/86, effective 4/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-23-060 Affirmative action—Supplemental certification. [Statutory Authority: RCW 41.06.150. 99-05-042, § 251-23-060, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-23-060, filed 1/2/87, effective 2/1/87; 86-06-034 (Order 145), § 251-23-060, filed 2/28/86, effective 4/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-24**EMPLOYEE DEVELOPMENT AND TRAINING**

- 251-24-010 Employee development—Authority, purpose, objective. [Statutory Authority: RCW 41.06.150. 04-15-020, § 251-24-010, filed 7/8/04, effective 8/8/04; 98-19-035, § 251-24-010, filed 9/10/98, effective 10/12/98; Order 61, § 251-24-010, filed 8/30/77, effective 10/1/77; Order 29, § 251-24-010, filed 1/22/74.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-24-030 Training and development programs—Contents. [Statutory Authority: RCW 41.06.150. 99-19-115, § 251-24-030, filed 9/21/99, effective 11/1/99; 99-05-042, § 251-24-030, filed 2/12/99, effective 4/1/99; 98-19-035, § 251-24-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 91-10-001, § 251-24-030, filed 4/18/91, effective 6/1/91; 89-13-075 (Order 180), § 251-24-030, filed 6/21/89, effective 8/1/89; 89-08-003 (Order 176), § 251-24-030, filed 3/23/89, effective 5/1/89; Order 61, § 251-24-030, filed 8/30/77, effective 10/1/77; Order 29, § 251-24-030, filed 1/22/74.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-24-035 Training and development programs—Availability—Reporting. [Order 61, § 251-24-035, filed 8/30/77, effective 10/1/77.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-24-050 Training—General provisions. [Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-24-050, filed 12/30/87, effective 2/1/88; Order 61, § 251-24-050, filed 8/30/77, effective 10/1/77; Order 36, § 251-24-050, filed 8/20/74; Order 29, § 251-24-050, filed 1/22/74.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-24-200 HIV and AIDS training for employees. [Statutory Authority: RCW 28B.16.100. 89-13-075 (Order 180), § 251-24-200, filed 6/21/89, effective 8/1/89.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-25**WASHINGTON STATE INTERNSHIP PROGRAM**

- 251-25-010 State internship program—Purpose. [Statutory Authority: RCW 28B.16.100. 86-14-041 (Order 152), § 251-25-010, filed 6/26/86, effective 8/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-25-020 State internship program—Eligibility—Duration of internship. [Statutory Authority: RCW 28B.16.100. 86-14-041 (Order 152), § 251-25-020, filed 6/26/86, effective 8/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-25-030 State internship program—Rights of participants. [Statutory Authority: RCW 28B.16.100. 86-14-041 (Order 152), § 251-25-030, filed 6/26/86, effective 8/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-25-040 State internship program—Completion of internship. [Statutory Authority: RCW 28B.16.100. 86-14-041 (Order 152), § 251-25-040, filed 6/26/86, effective 8/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-25-050 State internship program—Application of rules. [Statutory Authority: RCW 41.06.150. 98-19-035, § 251-25-050, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 28B.16.100. 86-14-041 (Order 152), § 251-25-050, filed 6/26/86, effective 8/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

ity: RCW 28B.16.100. 86-14-041 (Order 152), § 251-25-050, filed 6/26/86, effective 8/1/86.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Chapter 251-30**COMBINED FUND DRIVE**

- 251-30-010 Purposes and scope. [Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 251-30-010, filed 5/13/04, effective 5/13/04; 02-17-114, § 251-30-020, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-30-020 Definitions. [Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 251-30-020, filed 5/13/04, effective 5/13/04; 02-17-114, § 251-30-030, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-30-030 Combined Fund Drive committee established. [Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 251-30-030, filed 5/13/04, effective 5/13/04; 02-17-114, § 251-30-010, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-30-032 Establishing a local CFD campaign. [Statutory Authority: RCW 41.06.150. 04-11-045, § 251-30-032, filed 5/13/04, effective 5/13/04.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-30-034 CFD campaign expenses. [Statutory Authority: RCW 41.06.150. 04-11-045, § 251-30-034, filed 5/13/04, effective 5/13/04.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-30-055 Determination of eligibility—Procedure for reconsideration. [Statutory Authority: RCW 41.06.150. 04-11-045, § 251-30-055, filed 5/13/04, effective 5/13/04; 02-17-114, § 251-30-055, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.
- 251-30-057 Decertification and disqualification. [Statutory Authority: RCW 41.06.150. 04-11-045, § 251-30-057, filed 5/13/04, effective 5/13/04; 02-17-114, § 251-30-057, filed 8/21/02, effective 9/30/02.] Repealed by 05-12-067, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

Title 257 WAC**HOME CARE QUALITY
AUTHORITY****Chapters
257-10****Referral registry.****Chapter 257-10 WAC
REFERRAL REGISTRY****WAC**

- 257-10-020 What is the purpose of WAC 257-10-020 through 257-10-420?
- 257-10-040 What definitions apply to WAC 257-10-020 through 257-10-420?
- 257-10-060 What is the purpose of the referral registry?
- 257-10-080 Who is eligible to request a referral from the referral registry?
- 257-10-100 What is the difference between an individual provider and a prospective individual provider?
- 257-10-120 What qualifies individual providers or prospective individual providers to be included on the referral registry?

257-10-140	How does an individual provider or prospective individual provider apply to be listed on the registry?
257-10-160	Does an individual provider or prospective individual provider have any ongoing responsibilities to stay on the registry?
257-10-180	Are there any training requirements for being listed on the referral registry?
257-10-200	Can an individual provider or prospective individual provider be removed from the registry?
257-10-220	What is the procedure for removing an individual provider or prospective individual provider from the registry?
257-10-240	What is the procedure for the denial of an individual provider or prospective individual providers application to be listed on the referral registry?
257-10-260	Who must be notified if a complaint is received about an individual provider?
257-10-280	Are registry staff considered mandatory reporters?
257-10-300	What is reasonable cause for mandatory reporting?
257-10-320	Does an individual provider or prospective individual provider have the right to appeal being removed from the registry?
257-10-340	How does a consumer/employer apply to use the referral registry services?
257-10-360	How does a consumer/employer obtain a referral list of names?
257-10-380	Who hires an individual provider or prospective individual provider?
257-10-400	Does a consumer/employer who wants their individual provider to receive Medicaid or public funding from DSHS need to gain approval from his/her case manager?
257-10-420	How can a consumer/employer obtain emergency or critical personal care back-up referrals?

WAC 257-10-020 What is the purpose of WAC 257-10-020 through 257-10-420? The purpose of this chapter is to ensure compliance by the home care quality authority with the provisions of RCW 74.39A.250. The home care quality authority is authorized to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-020, filed 7/1/05, effective 8/1/05.]

WAC 257-10-040 What definitions apply to WAC 257-10-020 through 257-10-420? "AAA" refers to the local area agency on aging office.

"ALJ" refers to administrative law judge.

"Authority" means the home care quality authority.

"Consumer/employer" refers to an adult or child with functional or developmental disabilities who qualifies for and uses personal care or respite care paid for through Medicaid or state only funds.

"Consumer representative" refers to an individual who is acting on behalf of the consumer/employer.

"DSHS" refers to the department of social and health services.

"Emergency" provider means an individual provider who is employed as a back-up for a provider who did not show up or who was unable to work due to unexpected circumstances.

"Employer" refers to the consumer.

"HCQA" refers to the home care quality authority.

"Individual provider" means a person, regardless of relationship, including a personal aide working for a consumer under self-directed care, who has a contract with the department of social and health services to provide personal care or respite care services to adults or children with functional or developmental disabilities and is reimbursed for those services through Medicaid or state only funding.

"IP" refers to an individual provider.

"Malfeasance" means any unlawful act committed by the provider, whether in the course of employment or otherwise.

"Mandatory reporter" is an employee of the authority; DSHS; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

"Misfeasance" means performance of a workplace duty in an improper manner; including events which jeopardize the health and safety of persons, unresolved pattern of performance, issues related to truth or dishonesty, including failure to report a criminal conviction.

"OAH" refers to the office of administrative hearings.

"Prospective individual provider" refers to someone who is seeking employment with a consumer/employer.

"Provider" means an individual provider.

"Referral registry" is a data base that is designed to assist consumers with finding individual providers and to assist individual providers to find employment.

"Respite" provider means an individual provider who is employed on a prearranged short-term basis to fill in for a routine caregiver.

"Routine" provider means an individual provider who is employed on a regularly scheduled basis.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-040, filed 7/1/05, effective 8/1/05.]

WAC 257-10-060 What is the purpose of the referral registry? The referral registry was designed to increase consumer/employer choice while providing assistance in finding individual providers and prospective individual providers. In addition, the referral registry:

(1) Takes into account the consumer/employer needs and preferences when identifying potential individual providers;

(2) Provides for reasonable standards of accountability for individual providers and prospective individual providers listed through the registry;

(3) Is voluntary for individual providers and prospective individual providers and consumers/employers;

(4) Promotes job opportunities for individual providers and prospective individual providers;

(5) Provides access to the data base for consumer/employers who want to query a referral independently; and

(6) Increases a consumer/employer's choice of individual providers and prospective individual providers via an established pool of available individual providers and prospective individual providers on the registry.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-060, filed 7/1/05, effective 8/1/05.]

WAC 257-10-080 Who is eligible to request a referral from the referral registry? (1) Consumer/employers who are adults or children with functional or developmental disabilities who qualify for and use personal care or respite care paid for through Medicaid or state only funds.

(2) People who are authorized to request a referral on behalf of a consumer including family members, area agency on aging case managers, DSHS social workers and/or a consumer representative.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-080, filed 7/1/05, effective 8/1/05.]

WAC 257-10-100 What is the difference between an individual provider and a prospective individual provider? An individual provider is someone who has signed a DSHS contract. A prospective individual provider is someone who is seeking employment with a consumer/employer and who has not yet signed a DSHS contract.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-100, filed 7/1/05, effective 8/1/05.]

WAC 257-10-120 What qualifies individual providers or prospective individual providers to be included on the referral registry? The individual provider or prospective individual provider must:

(1) Satisfactorily complete a Washington state patrol background check and not be convicted of a disqualifying crime listed in RCW 43.43.830 as specified by DSHS home and community services or developmental disabilities or children's administration; and

(2) Complete an FBI fingerprint-based background check if the person has lived in the state of Washington fewer than three years;

(3) Not be listed on any long-term care abuse and neglect registry used by DSHS;

(4) Be eighteen years of age or older;

(5) Provide picture identification;

(6) Have a Social Security card or authorization to work in the United States; and

(7) Comply with requirements listed in WAC 257-10-180.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-120, filed 7/1/05, effective 8/1/05.]

WAC 257-10-140 How does an individual provider or prospective individual provider apply to be listed on the registry? The individual provider or prospective individual provider must contact their local source of registry operations, request and complete an application packet and meet the qualifications specified in WAC 257-10-120.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-140, filed 7/1/05, effective 8/1/05.]

WAC 257-10-160 Does an individual provider or prospective individual provider have any ongoing responsibilities to stay on the registry? Yes, the individual provider or prospective individual provider must:

(1) Contact the referral registry office once a month to verify that the information in the system is accurate and up-to-date; and

(2) Successfully complete a Washington state patrol criminal history background check every twelve months.

Failure to comply with ongoing responsibilities will result in placing the individual provider or prospective indi-

vidual provider in an "inactive" status. The provider will not be referred to a consumer/employer when in "inactive" status.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-160, filed 7/1/05, effective 8/1/05.]

WAC 257-10-180 Are there any training requirements for being listed on the referral registry? Yes. An individual provider or prospective individual provider must complete the "becoming a professional IP" training prior to being referred to a consumer, with the exception of any person who has already worked as an individual provider for more than three months under DSHS contract. All other mandatory training requirements established by DSHS are in effect.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-180, filed 7/1/05, effective 8/1/05.]

WAC 257-10-200 Can an individual provider or prospective individual provider be removed from the registry? Yes. An individual provider or prospective individual provider will be removed from the referral registry for the following reasons:

(1) Failure to meet the qualifications identified in WAC 257-10-120 to 257-10-180.

(2) A determination by the HCQA that the person has committed misfeasance in the performance of his or her duties as an individual provider.

(3) A determination of malfeasance.

(4) A request is made by the person to be removed from the registry.

(5) DSHS IP contract termination.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-200, filed 7/1/05, effective 8/1/05.]

WAC 257-10-220 What is the procedure for removing an individual provider or prospective individual provider from the registry? The procedure for removing an individual provider or prospective individual provider from the referral registry is as follows:

The authority and/or its designee will review all complaints and disqualification information received by the authority and:

(1) For those complaints that fall under the legal jurisdiction of law enforcement or adult protective services (APS) or child protective services (CPS), an immediate referral shall be made to the appropriate agency.

(a) The HCQA may initiate an emergency proceeding to inactivate the individual provider or prospective individual provider on the registry pending the investigation.

(b) If APS, CPS and/or law enforcement declines the referral, the complaint will proceed to assessment, recommendation and decision.

(c) If APS, CPS and/or law enforcement accepts the complaint, then action beyond the emergency adjudicative process per RCW 34.05.479, will be stayed pending APS, CPS and/or law enforcement action.

(2) For those complaints not forwarded to APS, CPS or law enforcement, HCQA will conduct an internal assessment.

(a) Upon assessment, a decision will be made and notification will be sent, in writing to the individual provider or prospective individual provider.

(b) The individual provider or prospective individual provider has the right to appeal an adverse decision within twenty-eight days of the date the formal notice was mailed by HCQA.

(c) The appeal must be sent in writing to the office of administrative hearings (OAH) as designated on the formal notice within twenty-eight days of the date the formal notice was mailed by HCQA.

(d) The OAH will schedule the hearing and notify interested parties.

(e) An administrative law judge (ALJ) from OAH shall act as presiding officer for the adjudicative proceeding as provided in RCW 34.05.425 (1)(c).

(f) The ALJ shall render an initial decision.

(g) The initial decision will be reviewed and final agency action shall be taken by the HCQA board, either adopting, modifying, or reversing the initial decision which shall be reduced to a final order of the board.

(h) The final order is the final agency action and will be provided to all interested parties and to the individual provider or prospective individual provider along with information regarding the right to seek judicial review in superior court when applicable.

(i) The final order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-220, filed 7/1/05, effective 8/1/05.]

WAC 257-10-240 What is the procedure for the denial of an individual provider or prospective individual providers application to be listed on the referral registry?

For those individual providers or prospective individual providers whose application to be listed on the registry results in a reasonable, good faith belief by HCQA that the person will be unable to appropriately meet the care needs of consumers, the following procedure applies:

(1) An internal assessment will be conducted, a decision will be made and notification will be sent, in writing to the individual provider or prospective individual provider.

(2) The individual provider or prospective individual provider has the right to appeal an adverse decision within twenty-eight days of receiving formal notice.

(3) The appeal must be sent in writing to the office of administrative hearings as designated on the formal notice.

(4) The OAH will schedule the hearing and notify interested parties.

(5) An administrative law judge from OAH shall act as presiding officer for the adjudicative proceeding as provided in RCW 34.05.425 (1)(c).

(6) The ALJ shall render an initial decision.

(7) The initial decision will be reviewed and final agency action shall be taken by the HCQA board, either adopting, modifying, or reversing the initial decision which shall be reduced to a final order of the board.

(8) The final order is the final agency action and will be provided to all interested parties and to the individual provider or prospective individual providers along with information

regarding the right to seek judicial review in superior court when applicable.

(9) The final order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-240, filed 7/1/05, effective 8/1/05.]

WAC 257-10-260 Who must be notified if a complaint is received about an individual provider?

If, in the course of carrying out its duties, the authority or its designee identifies concerns regarding the services being provided by an individual provider, the authority or its designee must notify the relevant area agency on aging case manager or DSHS social worker regarding such concerns per RCW 74.39A.250 (1)(h).

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-260, filed 7/1/05, effective 8/1/05.]

WAC 257-10-280 Are registry staff considered mandatory reporters? Any HCQA staff or subcontracted staff working for the authority are considered mandatory reporters.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-280, filed 7/1/05, effective 8/1/05.]

WAC 257-10-300 What is reasonable cause for mandatory reporting? RCW 74.34.035 outlines reasonable cause for mandatory reporting.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-300, filed 7/1/05, effective 8/1/05.]

WAC 257-10-320 Does an individual provider or prospective individual provider have the right to appeal being removed from the registry?

The individual provider or prospective individual provider or the consumer/employer, to whom the individual provider is providing services, may request an adjudicative hearing to contest removal from the referral registry, as provided in WAC 257-10-220 and RCW 74.39A.250 (1)(e).

A letter will be sent notifying the individual provider or prospective individual provider of being removed from the registry and will include information pertaining to the appeal and hearing process.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-320, filed 7/1/05, effective 8/1/05.]

WAC 257-10-340 How does a consumer/employer apply to use the referral registry services?

A consumer/employer or consumer representative must complete the registration process in order to use the referral registry. The registration process conducted by local operations must confirm that the consumer/employer is qualified to use personal care or respite care paid for through Medicaid or state only funds.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-340, filed 7/1/05, effective 8/1/05.]

WAC 257-10-360 How does a consumer/employer obtain a referral list of names? The consumer/employer or

consumer representative completes and submits a request application to the local source of registry operations. The completed application may indicate the days and times an individual provider is needed, the personal care tasks that need to be performed, and any preferences the consumer/employer may have. Upon completion of the application, a registry coordinator will conduct a query which will generate a list of names that best match the consumer/employer's specific criteria. The list will be given to the consumer/employer via mail, or phone, or fax or e-mail within a reasonable time frame.

Upon successful submission of a request application, a consumer/employer or consumer representative may request a user name and password to access the registry independently to generate a list of names.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-360, filed 7/1/05, effective 8/1/05.]

WAC 257-10-380 Who hires an individual provider or prospective individual provider? It is the consumer/employer or consumer representative's responsibility to interview, screen, hire and terminate an individual provider or prospective individual provider.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-380, filed 7/1/05, effective 8/1/05.]

WAC 257-10-400 Does a consumer/employer who wants their individual provider to receive Medicaid or public funding from DSHS need to gain approval from his/her case manager? Yes. DSHS or AAA may deny payment upon a client's request to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the consumer/employer needs.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-400, filed 7/1/05, effective 8/1/05.]

WAC 257-10-420 How can a consumer/employer obtain emergency or critical personal care back-up referrals? A consumer/employer must complete an application with the referral registry office. Registry applications can be obtained by contacting the local source of registry operations. Although a consumer/employer must complete the application process he/she is not required to have previously used the registry prior to requesting back-up referrals.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h). 05-14-113, § 257-10-420, filed 7/1/05, effective 8/1/05.]

Title 260 WAC HORSE RACING COMMISSION

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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 260-88 APPEAL TO THE COMMISSION

260-88-010 Hearing before the commission. [Statutory Authority: RCW 67.16.020. 04-19-047, § 260-88-010, filed 9/13/04, effective 10/14/04; 04-05-096, § 260-88-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 00-07-043, § 260-88-010, filed 3/6/00, effective 4/6/00; 92-17-002, § 260-88-010, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-88-010, filed 4/9/82; Rules of racing, § 383, filed 4/21/61.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

Reviser's note: Later promulgation, see WAC 260-08-675.

Chapter 260-08 WAC PRACTICE AND PROCEDURE

WAC

260-08-005 Horse racing commission—Composition—Duties.
260-08-671 Adoption of rules of procedure—Model rules.
260-08-673 Presiding officer—Who may preside.
260-08-675 Hearing before the commission.
260-08-677 Exhaustion of administrative remedies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-08-670 Proceedings before the commission—Application. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-670, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-08-680 Proceedings—Notice. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-680, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-08-690 Proceedings—Notice to limited English speaking parties. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-690, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-08-700 Computation of time. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-700, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-08-710 Continuances. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-710, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-08-720 Filing and service of papers. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-720, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-08-730 Subpoenas. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-730, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

- 260-08-740 Prehearing conference. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-740, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-750 Evidence. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-750, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-760 Testimony under oath or affirmation. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-760, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-770 Reporting-recording. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-770, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-780 Teleconference hearings. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-780, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-790 Cameras—Recording devices. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-790, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-800 Presiding officer. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-800, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-810 Initial or final order. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-810, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-820 Petition for rule making—Form, content and filing. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-820, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-830 Consideration and disposition. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-830, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-08-005 Horse racing commission—Composition—Duties. The horse racing commission, composed of five members appointed by the governor, is responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission also approves and regulates satellite locations and simulcasting, and licenses and regulates advance deposit wagering. The commission functions through periodic public meetings and where required, conducts hearings in accordance with this chapter. Various commission employees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-005, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.040. 93-24-019, § 260-08-005, filed 11/19/93, effective 12/20/93. § 260-08-005, filed 10/6/67.]

WAC 260-08-671 Adoption of rules of procedure—Model rules. The commission adopts the model rules of procedure as set forth in chapter 10-08 WAC. If there is a conflict between the model rules and this chapter, the rules in this chapter shall govern. Whenever the term "agency" appears in the model rules it means the Washington horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-671, filed 2/14/05, effective 3/17/05.]

WAC 260-08-673 Presiding officer—Who may preside. Pursuant to RCW 34.05.425, the presiding officer in a commission hearing shall be the chair of the commission, or other commission member designated by the chair. In proceedings in which the chair or other designee is the presiding officer, the commission shall make the final decision and enter the final order.

In the alternative, the commission may designate that the presiding officer shall be one or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

The administrative law judge shall conduct the proceeding and enter an initial order. The initial order shall be subject to review by the commission as provided in RCW 34.05.464.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-673, filed 2/14/05, effective 3/17/05.]

WAC 260-08-675 Hearing before the commission. Any person against whom a ruling is made by the stewards may request a hearing before the commission to challenge the ruling. However, a decision concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and will not be reviewed by the commission.

(1) Requests for a hearing before the commission must be filed with an office of the commission within seven days of service of the stewards' ruling.

(2) The request must include: The name, address, telephone number and the signature of the person making the request and a statement of the basis for the challenge to the ruling.

(3) The commission will conduct an adjudicative proceeding according to the provisions of chapter 34.05 RCW, Administrative Procedure Act, and chapter 260-08 WAC, Practice and procedure.

(4) On notification by the commission that a request for a hearing has been filed, the stewards shall forward to the commission the record of the ruling conference.

(5) Any person requesting a hearing before the commission will be heard in person or by counsel. A person appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the request for hearing with the commission and this procedure is given written approval by the commission.

(6) All communications to the commission with respect to a stewards' ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-675, filed 2/14/05, effective 3/17/05.]

WAC 260-08-677 Exhaustion of administrative remedies. A person may file a petition for judicial review only after exhausting all administrative remedies available within the commission, pursuant to RCW 34.05.534. Administrative remedies at the WHRC consist of commission hearings.

The court may relieve a petitioner of the requirements to exhaust any or all administrative remedies upon a showing that:

- (1) The remedies would be patently inadequate;
- (2) The exhaustion would be futile; or
- (3) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-677, filed 2/14/05, effective 3/17/05.]

Chapter 260-12 WAC GENERAL RULES

WAC

260-12-250 Problem gambling information sign must be posted.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-12-160 Denial of admission to grounds—Narcotics offenders. [Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-033 (Order 79-05), § 260-12-160, filed 12/17/79; Rules of racing, § 19, filed 4/21/61.] Repealed by 05-14-058, filed 6/29/05, effective 7/30/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-12-250 Problem gambling information sign must be posted. The legislature recognizes that some individuals in Washington state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, gambling commission and horse racing commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, gambling commission and horse racing commission shall jointly develop informational signs concerning problem and compulsive gambling, and that signs shall be placed in establishments of horse racing licensees, gambling licensees and lottery retailers.

All Class A, B and C licensees shall post problem and compulsive gambling informational signs in locations of their establishments, including satellite locations, which are clearly visible in patron traffic areas. The informational signs will be provided to the licensee by the horse racing commission and will contain a toll-free hot line number for problem and compulsive gamblers.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-17-084, § 260-12-250, filed 8/12/05, effective 9/12/05. Statutory Authority: RCW 67.16.040. 95-07-142, § 260-12-250, filed 3/22/95, effective 4/22/95.]

Chapter 260-24 WAC ASSOCIATION OFFICIALS AND EMPLOYEES

WAC

260-24-500 Racing officials.
260-24-510 Stewards.

WAC 260-24-500 Racing officials. (1) Officials at a race meet include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;

- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission security inspector(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer;
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The commission officials of a race meet shall be designated prior to each race meet and those commission officials shall be compensated by the commission.

The association officials of a race meet shall include but are not limited to: Racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility:

- (a) To qualify as a racing official, the appointee shall be:
 - (i) Of good character and reputation;
 - (ii) Familiar with the duties of the position and with the commission's rules of racing;
 - (iii) Mentally and physically able to perform the duties of the job; and
 - (iv) In good standing and not under suspension or ineligible in any racing jurisdiction.

(b) To qualify for appointment as a steward the appointee shall be an Association of Racing Commissioners International-accredited steward and be in good standing with all Association of Racing Commissioners International member jurisdictions, unless the appointee has been appointed as a substitute steward as provided in WAC 260-24-510. The commission may waive this accreditation requirement for Class C race meetings.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants shall not:

- (a) Participate in the sale or purchase, or ownership of any horse racing at the meet; unless disclosed in advance and approved by the board of stewards;
- (b) Sell or solicit horse insurance on any horse racing at the meet;
- (c) Be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards;

(d) Wager on the outcome of any race for which parimutuel wagering is conducted under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(6) Racing officials and their assistants shall immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials:

(a) Complaints against any steward shall be made in writing to the commission and signed by the complainant;

(b) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards;

(c) A racing official may be held responsible by the stewards or the commission for the actions of their assistants;

(8) Appointment:

(a) A person shall not be appointed to more than one racing official position at a meet unless specifically approved by the commission;

(b) The commission shall appoint or approve its officials for each race meet, the officials shall perform the duties as outlined herein and such other duties as are necessary as determined by the commission or its executive secretary.

(9) Where an emergency vacancy exists among racing officials, the executive secretary or the association, shall fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(10) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-065, § 260-24-500, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-500, filed 12/19/97, effective 1/19/98.]

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each race meet shall be responsible to the executive secretary for the conduct of the race meet and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards shall enforce the rules of racing in chapters 260-12 through 260-84 WAC, excluding chapters 260-49 and 260-75 WAC;

(c) The stewards' authority includes regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be monitored by a steward;

(e) The stewards shall have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing. The stewards of the race meet are hereby given authority to exercise their full power, recommending to the commission the imposition of more severe penalties if necessary.

(2) The stewards' period of authority shall commence ten days prior to the beginning of each race meet, or at such other time as is necessary in the opinion of the executive secretary, and shall terminate at the direction of the executive secretary. One steward shall be designated as the presiding steward by the commission.

(3) Stewards ruling conference regarding violations of rules of racing:

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to charge any licensee or other person with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a reprimand;

(ii) Assess a fine not to exceed \$2,500.00, except as provided in WAC 260-70-690;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges for not more than one year per violation;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(c) The stewards' imposition of reprimands, fines and suspensions shall be based on the penalty matrix in WAC 260-84-060.

For any other violation not specifically listed in WAC 260-84-060, the stewards shall have discretion to impose the penalties as provided in (b) of this subsection.

(d) The stewards may direct a jockey to the film analyst whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst shall appear when directed. Failure to appear when directed shall be considered a violation of the rules of racing for which penalties may be imposed.

(e) The stewards shall have the authority to conduct a ruling conference, and the authority to:

(i) Direct the attendance of witnesses and commission employees;

(ii) Direct the submission of documents, reports or other potential evidence;

(iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(iv) Question witnesses; and

(v) Consider all relevant evidence.

(f) The stewards shall serve notice of a conference to person(s) alleged to have committed a violation, which shall contain the following information:

(i) A statement of the time and place the conference will be held;

(ii) A reference to the particular sections of the WAC involved;

(iii) A short and plain statement of the alleged violation; and

(iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(g) Failure to appear for a ruling conference shall be considered a violation of the rules of racing for which penalties may be imposed.

(h) It is the duty and obligation of every licensee to make full disclosure to the board of stewards of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege, nor shall any person respond falsely before the stewards.

(i) At the ruling conference, the stewards shall allow the person alleged to have committed a violation to make a statement regarding the alleged violation.

(j) All ruling conferences shall be recorded.

(k) Every ruling by the stewards must be served in writing on the person(s) found in violation within five days and shall include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for requesting a hearing before the commission to challenge the ruling; and

(vi) Plain statement of the options of the person found in violation, which shall include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' ruling within seven days.

(l) The stewards' ruling shall be posted and a copy provided to the racing association.

(m) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-08 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty shall be imposed.

(n) "Service" of the notice of ruling conference or a stewards' ruling shall be by either personal service to the person or by depositing the notice of ruling conference or stewards' ruling into the mail to the person's last known address in which case service is complete upon deposit in the U.S. mail.

(o) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license and/or eject from the grounds pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track beginning three hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the executive secretary may appoint a substitute steward.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a weekly report of their regulatory activities. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, protests, objections, complaints and conferences. The report shall be filed with and approved by the executive secretary;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the executive secretary a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(e) An owner or trainer who disagrees with the stewards' decision of placing or maintaining a horse on the stewards'

list may request and be granted a stewards' ruling conference to challenge the decision of the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-065, § 260-24-510, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-17-082, § 260-24-510, filed 8/16/04, effective 9/16/04; 03-13-074, § 260-24-510, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-510, filed 12/19/97, effective 1/19/98.]

Chapter 260-34 WAC

DRUG AND ALCOHOL TESTING OF LICENSEES

WAC

260-34-010	Primary purpose.
260-34-020	Use of controlled substances and alcohol.
260-34-030	Testing.
260-34-035	Exercising the privileges of their license.
260-34-045	Violations of the privileges granted licensees.
260-34-060	Refusal to test.
260-34-070	Responsibility to report valid prescriptions.
260-34-080	Testing procedure.
260-34-090	A positive test.
260-34-100	Confidentiality of test results.
260-34-180	Testing expense.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-34-040	Definitions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-040, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-040, filed 4/15/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-050	Reasonable suspicion. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-050, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-050, filed 4/15/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-110	Consumption of alcohol. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-110, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-120	Alcohol violations defined. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-120, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-130	Consumption reasonable suspicion for testing. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-130, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-140	Alcohol levels determined. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-140, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-150	Alcohol testing. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-150, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-160	Refusal to be tested. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-160, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-170	Alcohol violation sanctions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-170, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-34-190	Severability. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-190, filed 6/9/89.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-34-010 Primary purpose. In order to protect the integrity of horse racing in the state of Washington, and to protect the safety of the public and all participants, the Washington horse racing commission intends to regulate the use of any illegal controlled substances and the use of alcohol by licensees at all race meets. This chapter shall be applicable to all licensees on the grounds of any race track during its licensed race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-010, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-010, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-010, filed 4/15/88.]

WAC 260-34-020 Use of controlled substances and alcohol. No licensee or applicant shall be under the influence of or affected by intoxicating liquor and/or drugs, have an alcohol concentration of 0.08 percent or higher, or have within their body any illegal controlled substance while on the grounds of any licensed race meet. "Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW. The presence of a controlled substance or drug in any quantity measured by the testing instrument establishes the presence of that substance for the purpose of this section. The fact that a licensee or applicant is or has been entitled to use a drug under the laws of the state of Washington shall not constitute a defense against a violation for being under the influence of or affected by intoxicating liquor and/or any drug.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-020, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-020, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

WAC 260-34-030 Testing. (1) A steward of the horse racing commission, a commission security investigator or the commission, acting through the executive secretary, may require any licensee or applicant to provide breath blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(a) When a steward or commission security investigator finds that there is reasonable suspicion to believe that the applicant or licensee has used or is under the influence of alcohol and/or any drug.

(b) When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug usage or has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation.

(c) When a commission security investigator decides to test any licensee as a condition of any conditional or probationary license.

(2) For licensees who are subject to a field screening urine test under the provisions in this chapter, and whose test shows the presence of a controlled substance or alcohol, the field screening test results shall be confirmed by a laboratory acceptable to the commission which shall include gas chromatography/mass spectrometry (GC/MS) procedures.

(a) When the sample quantity permits, each test sample shall be divided into portions so that one portion may be used for the confirmation procedure and another portion may be utilized by the licensee to obtain an independent analysis of

the sample. The commission shall provide for a secure chain of custody for the sample to be made available to the licensee.

(b) All costs for the transportation and testing for the sample portion made available for the licensee shall be the financial responsibility of the requesting person. The licensee or applicant being tested shall reimburse the commission the cost of transportation and testing within thirty days of receipt of notice of the costs.

(3) The result of a test conducted with a preliminary breath test (PBT) instrument approved by the state toxicologist in chapter 448-15 WAC or other breath test equipment approved under chapter 448-16 WAC shall constitute evidence of a violation of these rules. The results of such a test may be considered for purposes of determining whether the licensee or applicant has consumed alcohol, the level of alcohol concentration, and whether the licensee or applicant has violated a prohibition on the use or consumption of alcohol established in a conditional license.

(4) Upon request of the licensee or applicant, testing may be by a blood alcohol test. The requesting licensee or applicant shall pay the cost of a blood test.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-030, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-030, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-030, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]

WAC 260-34-035 Exercising the privileges of their license. All licensees shall be deemed to be exercising the privileges of their license, and to be subject to the requirements of these rules, when engaging in activities that could affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-035, filed 3/11/05, effective 4/11/05.]

WAC 260-34-045 Violations of the privileges granted licensees. While exercising the privileges of their license, a licensee shall not:

(1) Engage in the illegal sale or distribution of alcohol or a controlled substance;

(2) Possess an illegal controlled substance;

(3) Possess on the grounds any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance;

(4) Refuse to submit to blood, breath and/or urine testing, when notified that such testing is conducted pursuant to the conditions of WAC 260-34-030.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-045, filed 3/11/05, effective 4/11/05.]

WAC 260-34-060 Refusal to test. (1) When any licensee or applicant is requested to submit to a test in a manner prescribed by this chapter, the person shall do so in a prompt

manner. Refusal to supply such sample shall result in a conference before the board of stewards in accordance with WAC 260-24-510.

(2) If the board of stewards finds at the conference that the refusal to test occurred without cause, the licensee or applicant shall be suspended from racing and referred to the commission for revocation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-060, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-060, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-060, filed 4/15/88.]

WAC 260-34-070 Responsibility to report valid prescriptions. Whenever any licensee or applicant has been directed to submit to a drug test and that licensee or applicant is taking a controlled substance pursuant to a valid prescription on order of a duly licensed physician or dentist, it shall be the licensee's or applicant's responsibility to provide to the commission a copy of the prescription or label on the container and indicate the date and time when the substance was last used.

The fact that a substance was taken pursuant to a valid prescription shall not constitute a defense to a violation if the board of stewards finds that licensee or applicant was under the influence of the substance while exercising the privileges of his/her license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-070, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-070, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-070, filed 4/15/88.]

WAC 260-34-080 Testing procedure. When a licensee or applicant has been directed to provide a urine sample for drug testing the following procedure will be used:

(1) The licensee or applicant will report to a drug testing facility approved or certified by the department of social and health services. A qualified member of the drug testing facility will supervise the sample being given.

(2) When on-site urinalysis is available, the licensee or applicant may be directed to submit to drug testing conducted by a commission security investigator. The commission security inspector or their designee will supervise the sample being given. The supervision need not include actual observation of the delivery of the sample but the sample shall be taken under such circumstances that the integrity of the sample is maintained.

(3) Intentional contamination of the sample by any person tested for the purpose of preventing accurate analysis of the sample, or other actions with intent to subvert the test, shall be grounds for the suspension or revocation of the person tested.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-080, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-080, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-080, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-080, filed 4/15/88.]

WAC 260-34-090 A positive test. On receiving written notice of a violation of WAC 260-34-045, the presiding steward shall initiate the following procedure:

(1) Written notice shall be given to the licensee or applicant, setting a conference before the board of stewards in accordance with WAC 260-24-510.

(2) At the conference, the licensee or applicant shall be provided an opportunity to respond to the evidence of the violation.

(3) If the licensee or applicant is found to be in violation of WAC 260-34-045, the board of stewards shall suspend the licensee or applicant as follows:

(a) For testing positive for the illegal use of alcohol, for being under the influence of alcohol and/or drugs, or for the possession of marijuana (nonfelony):

(i) Three days for the first violation within five years;

(ii) Thirty days for the second violation within five years;

(iii) One year for the third violation within five years; and

(iv) Revocation and referral to the commission for the fourth violation within five years.

(b) For the possession or use of any illegal drug or controlled substance, other than marijuana:

(i) One year suspension for the first violation within five years;

(ii) Revocation and referral to the commission.

(4) The board of stewards may stay one of the suspensions in subsection (3)(a) of this section if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed to participate in this program once in a five-year period. If during this time a licensee or applicant violates the provisions of this chapter, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. The licensee or applicant must also agree to the following conditions:

(a) Random drug or alcohol testing at the discretion of the board of stewards or commission security investigators for a period of twelve calendar months.

(b) Have no further incidents of violating this chapter within the next twelve calendar months.

(5) Upon successful completion of a drug or alcohol rehabilitation or treatment program, a licensee or applicant can request the board of stewards lift the suspension.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-090, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-05-071, § 260-34-090, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-090, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-090, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-090, filed 4/15/88.]

WAC 260-34-100 Confidentiality of test results. The commission shall maintain all test results and records, both negative and positive, confidential except for use with respect to a stewards' conference, a hearing before the commission, or judicial review of a commission order. Test results will only be disclosed pursuant to chapter 42.17 RCW, however, test results may be released to the person tested or their attorney, after receiving a signed written request.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-100, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-100, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-100, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-100, filed 4/15/88.]

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WAC 260-34-180 Testing expense. Except for a blood test requested by a licensee pursuant to WAC 260-34-150, all testing, whether blood, urine, or breath, ordered pursuant to this chapter shall be at the expense of the horse racing commission. All costs of drug and/or alcohol evaluation, treatment, reports, and fees shall be at the expense of the licensee undergoing such evaluation or treatment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-180, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-180, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-180, filed 4/15/88.]

Chapter 260-36 WAC

OCCUPATIONAL PERMITS AND LICENSES

WAC

260-36-120

260-36-180

260-36-200

Denial, suspension, and revocation—Grounds.

Authority to search.

Provisional owner's license.

WAC 260-36-120 Denial, suspension, and revocation—Grounds. (1) The commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant or licensee:

(a) Has been convicted of a felony;

(b) Has been convicted of violating any law regarding gambling or a controlled substance;

(c) Has pending misdemeanor or gross misdemeanor criminal charges;

(d) Has failed to meet the minimum qualifications required for the license for which they are applying;

(e) Has failed to disclose or states falsely any information required in the application;

(f) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

(g) Has disciplinary charges pending in this state or other racing jurisdiction;

(h) Has been or is currently excluded from association grounds by a recognized racing jurisdiction;

(i) Has had a license denied, by any racing jurisdiction;

(j) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;

(k) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

(l) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

(m) Has violated any of the provisions of chapter 67.16 RCW; or

(n) Has violated any provisions of Title 260 WAC.

(2) The commission or its designee shall deny the application for license or suspend or revoke an existing license if the applicant or licensee:

(a) Has been convicted of any felony crimes against a person;

(b) Has been convicted of any felony property crime within the past ten years;

(c) Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter 69.41 RCW or any controlled substance as defined in chapter 69.50 RCW within the past three years.

(d) Has been convicted of any other felony drug crime as defined in chapter 69.41 RCW or felony crime involving a controlled substance as defined in chapter 69.50 RCW.

(e) Has five or more convictions for gross misdemeanors within the last three years;

(f) Is subject to current prosecution or pending charges for any felony crime;

(g) Has a felony conviction under appeal;

(h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;

(i) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; or

(j) Has any outstanding arrest warrants.

(3) An appeal of a license denial based on this policy shall be filed as outlined in WAC 260-88-010. In considering an appeal from a decision by the board of stewards denying a license pursuant to subsection (2) of this section, the commission may only reverse the denial on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.

(4) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, Inc. whereby other member racing jurisdictions shall be advised.

(5) A recognized racing jurisdiction shall include members of the Association of Racing Commissioners International (RCI) and the North American Pari-Mutuel Regulators Association (NAPRA), and any other racing authority with which the commission has a written reciprocity agreement.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-047, § 260-36-120, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020. 04-07-075, § 260-36-120, filed 3/15/04, effective 4/15/04; Rules of racing, § 347, filed 4/21/61; sub. (2) added as rule § 347(a), filed 1/21/64.]

WAC 260-36-180 Authority to search. In order to protect the integrity of horse racing and to protect the interests and safety of the public and participants, the commission and its employees shall have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of a racing association to examine the same and to inspect and examine the personal property and effects of any licensee within such places. Any person who has been granted a license by the commission, by accepting a license, authorizes the commission or its employees to search his/her person and the areas indicated herein and to seize any medication, drugs, paraphernalia or device prohibited by the rules of racing, or other evidence of a violation of the rules of racing. If a licensee refuses to allow a search, the stewards shall revoke his/her license and refer the matter to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-043, § 260-36-180, filed 2/14/05, effective 3/17/05; 81-09-075 (Order 81-03), § 260-36-180, filed 4/22/81.]

WAC 260-36-200 Provisional owner's license. A provisional owner's license is intended to allow an individual to enter a horse in Washington races for a period of time not to exceed fourteen days. The commission or its designee may issue a provisional owner's license for a period of fourteen

days based on an application completed by a trainer representing the owner and payment of all license, fingerprint and labor and industries fees. The trainer shall provide the commission, at a minimum, the name, address, telephone number and date of birth of the owner. The provisional owner shall have fourteen calendar days from the date the license is issued to send to the commission a completed application, signed by the owner, and if directed, a set of fingerprints.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-09-045, § 260-36-200, filed 4/18/05, effective 5/19/05; 91-03-033, § 260-36-200, filed 1/9/91, effective 1/22/91.]

Chapter 260-48 WAC

MUTUELS

WAC

260-48-960

Handicapping contests.

WAC 260-48-960 Handicapping contests. A licensed class 1 racing association may, with the approval of the commission, operate a handicapping contest at which the participants may be charged an entry fee. All paid-entry handicapping contests must be conducted in accordance with the provisions of this rule.

(1) A handicapping contest is defined as a competitive event, where participants, using individual skill to evaluate a variety of factors including the past performance of horses to determine the relative qualities and abilities of horses in a race, attempt to outperform other participants in selecting the finish of horses. Participants who are most successful in selecting horses become eligible to win prizes as prescribed in the official rules of the contest. Prizes and format are pre-defined and at the discretion of the class 1 racing association.

(2) A class 1 racing association desiring to offer a paid-entry handicapping contest must first apply for and receive approval from the commission to conduct a handicapping contest in Washington. The class 1 racing association must apply to the commission for approval of each and every contest. The class 1 racing association must include with its application the proposed rules for conducting the handicapping contest and the determination of prizes. The class 1 racing association shall obtain written approval to operate the handicapping contest prior to the acceptance of any entry fees regarding said contest.

(3) The class 1 racing association approved to operate a handicapping contest shall distribute at least ninety-five percent of the entry fees as prizes to the winners. Nothing in this section shall preclude an operator from providing additional prizes or promotions.

(4) The entry fee to enter a handicapping contest shall be set by the class 1 racing association. The entry fee and a description of all goods and services to be awarded as part of the handicapping contest must be fully disclosed to each participant prior to paying the entry fee. In addition, all prizes, including amenities such as airfare, meals and lodging, shall also be fully disclosed to each participant prior to paying the entry fee.

(5) Races that are the subject of a handicapping contest must be races on which the class 1 racing association is authorized to conduct parimutuel wagering.

(6) The officers and employees of the class 1 racing association operating a handicapping contest, and their immediate families are prohibited from participating in any handicapping contest. Commissioners and employees of the commission are also prohibited from participating in any handicapping contest in Washington.

(7) The class 1 racing association shall provide the commission a report on every handicapping contest including a record of all entry fees collected, the number of participants for each contest, the amount the class 1 racing association paid in prizes, and the name and address of each winning participant.

(8) Any violation of this section shall be referred to the commission. The commission shall have sole authority to ensure compliance with this rule, conduct hearings on violations, and determine penalties.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-19-016, § 260-48-960, filed 9/9/05, effective 10/10/05.]

Chapter 260-49 WAC

ADVANCE DEPOSIT WAGERING

WAC

260-49-070 Distribution of source market fee.

WAC 260-49-070 Distribution of source market fee.

(1) A source market fee shall be paid monthly, unless otherwise directed by the commission, for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, unless otherwise directed by the commission, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-19-015, § 260-49-070, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-070, filed 10/18/04, effective 11/18/04.]

Chapter 260-56 WAC OBJECTIONS AND PROTESTS

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-56-030 Costs and expenses. [Rules of racing, §§ 226, 227, filed 4/21/61.] Repealed by 05-05-044, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

Chapter 260-60 WAC CLAIMING

WAC

260-60-300 Who may claim.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-60-320 Limit to number. [Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-320, filed 5/23/96, effective 6/23/96.] Repealed by 05-07-063, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-60-300 Who may claim. (1) In claiming races, any horse is subject to be claimed for its entered price by any owner licensed by the commission, including a prospective owner who has been issued a claiming certificate, or by a licensed authorized agent for the account of such owner.

(2) In order to claim a horse as a prospective owner, a person shall submit to the stewards a completed application for a prospective owner's license and the name of a licensed trainer who will assume the care and responsibility for any horse claimed. The stewards shall issue a claiming certificate to the applicant upon satisfactory evidence that the applicant is eligible for an owner's license. Once the prospective owner has successfully claimed a horse and made payment of labor and industry fees due, he/she shall be considered an owner. At that time the owner should contact a commission office for a new identification badge.

(3) The names of licensed prospective owners who have been issued a claiming certificate shall be prominently displayed in the offices of the commission and the racing secretary.

(4) A claiming certificate shall expire with the conclusion of the race meet at which it was issued, upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

(5) No owner or prospective owner shall claim more than one horse in any one race.

(6) An authorized agent may claim up to two horses, if each horse is claimed on behalf of a different owner, as long as the owners do not have a common interest. An authorized agent shall not make a claim on the same horse for different owners.

(7) When a training stable consists of horses owned by more than one person, not more than two claims may be entered on behalf of such training stable in any one race.

(8) In claiming races not more than two horses in the same interest or under the control of the same trainer can start.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-063, § 260-60-300, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020.]

04-24-019, § 260-60-300, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-300, filed 5/23/96, effective 6/23/96.]

Chapter 260-70 WAC

CONTROLLED MEDICATION PROGRAM

WAC

260-70-520	Trainer responsibility.
260-70-530	Veterinarians under authority of official veterinarian.
260-70-540	Veterinarians' reports.
260-70-545	Prohibited practices.
260-70-550	Medical labeling.
260-70-560	Treatment restrictions.
260-70-570	Physical inspection of horses.
260-70-580	Veterinarian's list.
260-70-600	Sample collection.
260-70-610	Storage and shipment of split samples.
260-70-620	Medication restrictions.
260-70-630	Threshold levels.
260-70-640	Permitted medication.
260-70-645	Anti-ulcer medications.
260-70-650	Furosemide.
260-70-660	Furosemide list.
260-70-675	Bicarbonate testing.
260-70-680	Uniform classification guidelines.
260-70-720	Posterior digital neurectomy.
260-70-730	Postmortem examination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-70-670	Penalties—Guidelines. [Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-670, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-70-690	Penalty recommendations (in the absence of mitigating circumstances). [Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-690, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-70-700	Penalties relating to permitted medication. [Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-700, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 00-07-042, § 260-70-700, filed 3/6/00, effective 4/6/00; 96-10-001, § 260-70-700, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-70-520 Trainer responsibility. The purpose of this subsection is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well being of horses in his/her care.

(1) The trainer is solely responsible for the condition of horses in his/her care.

(2) The trainer is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(4) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(5) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) Promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining a knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in this chapter;

(m) Ensuring proper bandages, equipment and shoes;

(n) Presence in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

(o) Personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards; and

(p) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-520, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-520, filed 4/17/96, effective 5/18/96.]

WAC 260-70-530 Veterinarians under authority of official veterinarian. Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of the official veterinarian and the stewards. An official veterinarian shall recommend to the stewards or the commission the discipline, which may be imposed upon a veterinarian who violates the rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-530, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-530, filed 4/17/96, effective 5/18/96.]

WAC 260-70-540 Veterinarians' reports. (1) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission shall, in writing on a form approved by the commission, report to an official veterinarian the name of the horse treated, any medication, drug or substance administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The report shall be signed by the practicing veterinarian.

(3) The report shall be on file not later than the time prescribed on the next race day by the official veterinarian. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment.

(4) A timely and accurate filing of a veterinarian report that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent of a violation of these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-540, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-540, filed 4/17/96, effective 5/18/96.]

WAC 260-70-545 Prohibited practices. The following are considered prohibited practices:

(1) The possession or use of a drug, substance or medication, specified below, on the premises of a facility under the jurisdiction of the commission for which a recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or the use of which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal is forbidden.

(3) The possession and/or use of blood doping agents, including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

- (a) Erythropoietin
- (b) Darbepoietin
- (c) Oxyglobin
- (d) Hemopure

(4) The practice, administration or application of a treatment, procedure, therapy or method identified below, which is performed on the premises of any facility under jurisdiction of the commission and which may endanger the health and welfare of the horse, endanger the safety of the rider, or the use of which may adversely affect the integrity of horse racing:

(a) Intermittent Hypoxic Treatment by External Device.

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(i) Any treated horse shall not be permitted to race for a minimum of ten days following treatment;

(ii) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the commission;

(iii) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be reported to an official veterinarian before use;

(iv) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to an official veterinarian on the prescribed form not later than the time prescribed by an official veterinarian.

(c) The use of a naso gastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-545, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-094, § 260-70-545, filed 2/18/04, effective 3/20/04.]

WAC 260-70-550 Medical labeling. (1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with applicable state statutes. All such allowable medications must have a prescription label, which is securely attached and clearly ascribed to show the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each patient (horse) for whom the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the person (trainer) to whom the product was dispensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-550, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-550, filed 4/17/96, effective 5/18/96.]

WAC 260-70-560 Treatment restrictions. (1) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Nonveterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, if any, and the substances do not interfere with post race testing:

(a) A recognized noninjectable nutritional supplement or other substance approved by an official veterinarian;

(b) A noninjectable substance on the direction or by prescription of a licensed veterinarian; or

(c) A noninjectable nonprescription medication or substance.

(3) No person shall possess a hypodermic needle, syringe or injectable of any kind on association premises, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a needle and syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-560, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-560, filed 4/17/96, effective 5/18/96.]

WAC 260-70-570 Physical inspection of horses. All horses at locations under the jurisdiction of the commission shall be subject to inspections at the discretion of the stewards or an official veterinarian.

(1) Every horse entered to participate in an official race shall be subject to a veterinary inspection.

(2) The inspection shall be conducted by an official veterinarian.

(3) The trainer of each horse or a representative of the trainer shall present the horse for inspection as required by an official veterinarian.

(4) The veterinary inspection of a horse's racing condition, at a minimum shall include:

(a) Proper identification of each horse inspected;

(b) Observation of each horse in motion;

(c) Manual palpation when indicated;

(d) Observation in the paddock and saddling area, during the parade to post and at the starting gate; and

(e) Any other inspection deemed necessary by an official veterinarian.

(5) Every horse shall be observed by an official veterinarian during and after the race.

(6) The official veterinarian shall maintain a health and racing soundness record of each horse inspected.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-570, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-570, filed 4/17/96, effective 5/18/96.]

WAC 260-70-580 Veterinarian's list. (1) An official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or other medical condition.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse is capable of competing in a race.

(3) An official veterinarian shall maintain a bleeder list of all horses, which have demonstrated external evidence of

exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by an official veterinarian. Every confirmed bleeder, regardless of age, shall be placed on the bleeder list and be ineligible to race for the following time periods:

(a) First incident - fourteen days;

(b) Second incident within a three hundred sixty-five day period - thirty days;

(c) Third incident within a three hundred sixty-five day period - one hundred eighty days;

(d) Fourth incident within a three hundred sixty-five day period - barred from racing for life.

(4) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(5) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined in this section.

(6) A horse may be removed from the bleeder list only upon the direction of an official veterinarian, who shall certify in writing to the stewards the recommendation for removal.

(7) A horse, which has been placed on a bleeder list in another jurisdiction pursuant to this section, shall be placed on the bleeder list maintained by an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-580, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-580, filed 4/17/96, effective 5/18/96.]

WAC 260-70-600 Sample collection. (1) Sample collection shall be done in accordance with guidelines and instructions provided by official veterinarians.

(2) An official veterinarian shall determine a minimum sample requirement for the primary testing laboratory.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(d) Blood samples must be collected at a consistent time, preferably not later than one hour post-race.

(e) At Class C race tracks the splitting of samples will be conducted by the primary testing laboratory.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-600, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-600, filed 4/17/96, effective 5/18/96.]

WAC 260-70-610 Storage and shipment of split samples. (1) Split samples obtained in accordance with WAC 260-70-600, subsection 2b and 2c shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as speci-

mens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the commission.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be closed and locked to prevent access to the freezer at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the official veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer.

(e) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to an official veterinarian or a designated commission representative.

(2) A trainer or owner of a horse may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than 48 hours after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 72 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be approved by the commission. The commission shall maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample.

Split sample chain of custody form requirements:

(a) The date and time the sample is removed from the split sample freezer;

(b) The sample number;

(c) The address where the split sample is to be sent;

(d) The name of the carrier and the address where the sample is to be taken for shipment;

(e) Verification of retrieval of the split sample from the freezer;

(f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;

(g) Verification of the address of the split sample laboratory on the split sample package;

(h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

(i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a commission representative in the presence of the owner, trainer or designee.

(6) A commission representative shall pack the split sample for shipment in the presence of the owner, trainer or designee, in accordance with the packaging procedures recommended by the commission. A form shall be signed by both the owner's representative and the commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative shall keep the original and provide a copy for the owner, trainer or designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-07-067, § 260-70-610, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020, 03-11-018, § 260-70-610, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040, 96-10-001, § 260-70-610, filed 4/17/96, effective 5/18/96.]

WAC 260-70-620 Medication restrictions. (1) No horse shall have in its body any prohibited or interfering substance, or permitted medication, except as provided in this chapter.

(2) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

(a) Drugs or medications for which no acceptable threshold concentration has been established;

(b) Therapeutic medications in excess of established threshold concentrations;

(c) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(d) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(3) Except as otherwise provided by this chapter, a person may not administer or cause to be administered, or attempt to administer by any means including naso gastric

tube or dose syringe, to a horse a prohibited drug, medication, chemical or other substance, including any permitted medication, pursuant to this chapter during the 24-hour period before post time for the race in which the horse is entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-620, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-620, filed 4/17/96, effective 5/18/96.]

WAC 260-70-630 Threshold levels. (1) The following quantitative medication levels are permissible in test samples up to the stated quantitative levels:

Procaine	25 ng/ml urine
Benzocaine	50 ng/ml urine
Mepivacaine	10 ng/ml urine
Lidocaine	50 ng/ml urine
Bupivacaine	5 ng/ml urine
Clenbuterol	25 pg/ml serum or plasma
Acepromazine	25 ng/ml urine
Promazine	25 ng/ml urine
Salicylates	750,000 ng/ml urine
Albuterol	1 ng/ml urine
Pyrimidine	50 ng/ml urine
Theobromine	2000 ng/ml urine

The official urine test sample may not contain more than one of the above drug substances, including their metabolites or analogs, in an amount up to the specified level. Official blood test samples must not contain any of the drug substances listed above, including their metabolites or analogs, except for their thresholds.

(2) The following substances shall be considered environmental contaminants and are permissible in test samples up to the stated quantitative levels:

Caffeine	100 ng/ml serum or plasma
Benzoyllecgonine	50 ng/ml urine
Morphine Glucuronides	50 ng/ml urine

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-630, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-095, § 260-70-630, filed 2/18/04, effective 3/20/04; 03-11-019, § 260-70-630, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-630, filed 4/17/96, effective 5/18/96.]

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication shall be a violation of these rules.

(1) Nonsteroidal anti-inflammatory drugs (NSAIDs).

(2) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 5 micrograms per milliliter;
- (ii) Flunixin - 20 nanograms per milliliter;
- (iii) Ketoprofen - 10 nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs or any unapproved NSAID in the post-race serum or plasma sample is not permitted, except the presence of two approved NSAIDs is allowed if one of them is phenylbutazone with a concentration of less than 1 mcg/ml. The use of all but one of the approved NSAIDs shall be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(3) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-640, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]

WAC 260-70-645 Anti-ulcer medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to twenty-four hours prior to the race in which the horse is entered.

(1) Cimetidine (Tagamet®) - 8-20 mg/kg PO BID - TID

(2) Omeprazole (Gastrogard®) - 2.2 grams PO SID

(3) Ranitidine (Zantac®) - 8 mg/kg PO BID

Noninterfering levels of sulfa drugs, antibiotics, anthelmintics and vitamins in a horse's post-race urine or serum or plasma test may not be considered a violation of these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-645, filed 3/11/05, effective 4/11/05.]

WAC 260-70-650 Furosemide. (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list.

(2) The use of furosemide shall be permitted under the following circumstances:

(a) Furosemide shall be administered on the grounds of the association, by a single intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide dosage administered shall not exceed 500 mg nor be less than 150 mg.

(c) The trainer of the treated horse shall cause to be delivered to an official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The name of the horse, the horse's tattoo number, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-650, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-650, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 02-10-102, § 260-70-650, filed 4/30/02, effective 5/31/02; 96-10-001, § 260-70-650, filed 4/17/96, effective 5/18/96.]

WAC 260-70-660 Furosemide list. (1)(a) The official veterinarians shall maintain a furosemide list of all horses eligible to race with furosemide. The list is a statewide list that applies only at Class A or Class B licensed associations and not at any other track.

(b) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the commission representative, providing sufficient time to ensure public notification.

(c) If the commission so orders, horses placed on the furosemide list shall be placed in a prerace detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. The detention stall shall be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled for the race, except that the stewards may permit horses to leave the detention stall to engage in exercise blowouts or warm-up heats.

(2) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's furosemide certification shall be affixed to the horse's certificate of registration.

(3) Every horse eligible to race with furosemide, regardless of age, shall be placed on the furosemide list.

(4) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on forms provided by the official veterinarian and must be submitted to the commission designee no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty calendar days unless determined to be detrimental to the welfare of the horse, in consultation with an official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five day period, the horse may not be placed back on the list for a period of ninety calendar days.

(5) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

(6) The specific gravity of post-race urine samples shall not be below 1.010. If the specific gravity of the post-race urine sample is determined to be below 1.010, quantitation of furosemide in serum or plasma shall be performed. Concentrations above 100 nanograms of furosemide per milliliter of serum or plasma shall constitute a violation of WAC 260-84-100.

(7) A horse that has been administered furosemide that does not show a detectable concentration of the drug in the post-race serum, plasma or urine sample shall be in violation of these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-660, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-660, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-660, filed 4/17/96, effective 5/18/96.]

WAC 260-70-675 Bicarbonate testing. No bicarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or total carbon dioxide in a horse shall be administered to a horse within twenty-four hours of post time of the race in which the horse is entered.

The official veterinarian, the board of stewards or the executive secretary acting on behalf of the commission may at their discretion and at any time order the collection of test samples from any horses present either in the horse's stall or within the receiving or test barn to determine the serum or plasma pH or concentration of bicarbonate, total carbon dioxide, or electrolytes.

Test samples shall not exceed 37.0 millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum or plasma total carbon dioxide level exceeding this value shall constitute a violation of this rule. Penalties shall be assessed as a Class 4 violation as provided in WAC 260-84-110.

Split samples will be taken from all horses entered to run in a race when bicarbonate testing is to be done. When split samples are taken, they shall be shipped as soon as practical to the commission-approved laboratories for total carbon dioxide split sample testing. The commission shall be responsible for the cost of shipping and testing of split samples taken under this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-17-123, § 260-70-675, filed 8/18/05, effective 9/18/05.]

WAC 260-70-680 Uniform classification guidelines. The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

(1) Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

(2) Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;
- (b) Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs, which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and
- (h) Snake venoms and other biologic substances, which may be used as nerve blocking agents.

(3) Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);
- (b) A local anesthetic, which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);
- (c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;
- (d) Primary vasodilating/hypotensive agents; and
- (e) Potent diuretics affecting renal function and body fluid composition.

(4) Class 4

This category is comprised primarily of therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

- (a) Nonopiate drugs which have a mild central analgesic effect;
- (b) Drugs affecting the autonomic nervous system, which do not have prominent CNS, cardiovascular or respiratory effects;
 - (i) Drugs used solely as topical vasoconstrictors or decongestants,
 - (ii) Drugs used as gastrointestinal antispasmodics,
 - (iii) Drugs used to void the urinary bladder,
 - (iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
- (c) Antihistamines, which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);
- (d) Mineralocorticoid drugs;
- (e) Skeletal muscle relaxants;
- (f) Anti-inflammatory drugs—those that may reduce pain as a consequence of their anti-inflammatory actions, which include:
 - (i) Nonsteroidal anti-inflammatory drugs (NSAIDs)—aspirin-like drugs;
 - (ii) Corticosteroids (glucocorticoids); and

- (iii) Miscellaneous anti-inflammatory agents.
- (g) Anabolic and/or androgenic steroids and other drugs;
- (h) Less potent diuretics;
- (i) Cardiac glycosides and antiarrhythmics including:
 - (i) Cardiac glycosides;
 - (ii) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol); and
- (iii) Miscellaneous cardiotoxic drugs.
- (j) Topical anesthetics—agents not available in injectable formulations;
- (k) Antidiarrheal agents;
- (l) Miscellaneous drugs including:
 - (i) Expectorants with little or no other pharmacologic action;
 - (ii) Stomachics; and
 - (iii) Mucolytic agents.
- (m) Substances foreign to a horse at levels that cause interference with testing procedures.

(5) Class 5

Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-680, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-680, filed 4/17/96, effective 5/18/96.]

WAC 260-70-720 Posterior digital neurectomy. (1)

No person shall bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as a bloodstock agent in the sale of, any horse that has had a posterior digital neurectomy performed, or has had any nerve removed from the leg of such horse, except as provided in this chapter.

(2) A horse upon which a posterior digital neurectomy has been performed is eligible to race, provided that an official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider, that the prior approval of an official veterinarian has been obtained if the horse is on the grounds of a racing association, that the racing secretary is notified of the posterior digital neurectomy at the time such horse is admitted to the grounds of a racing association and its registration or eligibility certificate marked to indicate that a posterior digital neurectomy was performed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-720, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-720, filed 4/17/96, effective 5/18/96.]

WAC 260-70-730 Postmortem examination. (1)

The commission may require a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination the commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) The official veterinarian may require a postmortem examination of any horse that expires while housed on association grounds within this jurisdiction. Trainers and owners

shall be required to comply with such action as a condition of licensure.

(3) The official veterinarian may take possession of the horse upon death for postmortem examination. The official veterinarian may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a specimen collected during the postmortem examination of a horse may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal shall be borne by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-730, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-730, filed 4/17/96, effective 5/18/96.]

Chapter 260-72 WAC

COMMUNICATIONS TO AND FROM GROUNDS

WAC

260-72-050 Use of personal communication devices on the grounds.

WAC 260-72-050 Use of personal communication devices on the grounds. (1) The use of personal communication devices is not allowed by any licensee, except with prior approval or in the case of an emergency, in the jockey's quarters thirty minutes prior to the first live race and until the final live race on the card is official.

(2) No licensee shall use a personal communication device while on horseback on the racing surface, during live racing, except with permission of the board of stewards.

(3) The use of audible personal communication devices shall be prohibited in the saddling enclosure of the paddock, the receiving barn, and test barn when horses are present. These devices are permitted, but when carried in these areas these devices shall be turned off or set to a silent mode.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-045, § 260-72-050, filed 2/14/05, effective 3/17/05.]

Chapter 260-75 WAC

SATELLITE LOCATIONS

WAC

260-75-030 Satellite location.
260-75-040 Enforcement and penalties.

WAC 260-75-030 Satellite location. (1) Each satellite location shall have a location manager designated by the host racing association.

(2) All location managers and mutuel clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) The location managers shall be responsible to ensure the satellite location is in compliance with WAC 260-12-250.

(4) All satellite locations shall be periodically inspected by the commission.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-042, § 260-75-030, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020. 04-19-045, § 260-75-030, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040. 00-07-040, § 260-75-030, filed 3/6/00, effective 4/6/00.]

WAC 260-75-040 Enforcement and penalties. (1)

Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The approval to operate a satellite location and/or the license of location managers and mutuel clerks may be suspended or revoked and/or fines may be imposed, if the commission finds violations of any of the requirements of chapter 67.16 RCW or Title 260 WAC or failure to comply with any conditions on the operation of the satellite location imposed by the commission.

(3) The commission shall provide an opportunity for an adjudicative proceeding prior to denial, suspension or revocation of approval of a satellite location or of a license, or the imposition of fines, and shall provide a class 1 racing association a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the satellite location.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-042, § 260-75-040, filed 2/14/05, effective 3/17/05.]

Chapter 260-84 WAC

PENALTIES

WAC

260-84-050 Suspensions—Computation of time.
260-84-060 Penalty matrixes.
260-84-070 Ejectment from grounds—Permission to reenter.
260-84-090 Medication and prohibited substances—Penalties—Guidelines.
260-84-100 Furosemide penalties.
260-84-110 Penalties for uniform classifications.
260-84-120 Penalties relating to permitted medication.
260-84-130 Penalties for prohibited practices.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-84-010 Who may impose. [Order 75.7, § 260-84-010, filed 4/30/76; Order 73.2, § 260-84-010, filed 6/28/73; Rules of racing, § 133, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-84-020 Report to commission. [Rules of racing, § 134, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-84-030 Fines—When due. [Statutory Authority: RCW 67.16.020. 79-06-002 (Order 79-1), § 260-84-030, filed 5/4/79; Rules of racing, § 135, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-84-050 Suspensions—Computation of time. All suspensions for a specified period of time shall be in calendar days. Rulings shall show the first and last day of suspension.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-050, filed 3/11/05, effective 4/11/05; Rules of racing, § 137, filed 4/21/61.]

WAC 260-84-060 Penalty matrixes. (1) The imposition of reprimands, fines and suspensions shall be based on the following penalty matrixes:

Class A & B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$25	\$50	\$100
Disturbing the peace WAC 260-80-140	Warning to \$200 and/or suspension	Warning to \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230	\$500		
Licensing - failure to divulge a felony WAC 260-36-120	\$100 or possible denial of license		
Licensing - failure to divulge a gross misdemeanor or misdemeanor WAC 260-36-120	Warning to \$50		
Licensing - providing false information on application WAC 260-36-120	\$50 to \$250 or possible denial of license		
Licensing - nonparticipation WAC 260-36-080	License canceled		
Violation of any claiming rule in chapter 260-60 WAC	\$200 to \$500 plus possible suspension		
Use of improper, profane or indecent language to a racing official WAC 260-80-130	\$50	\$100	\$250
Unsafe vehicle operation WAC 260-20-020	Warning to \$50	\$100 and recommend racing association revoke vehicle pass	
Financial responsibility WAC 260-28-030	Resolve 30 days or before the end of the meet (whichever is sooner) to resolve or suspension		
Failure to appear - hearing WAC 260-24-510	Suspension pending appearance		
Failure to honor riding engagements (call) - agents WAC 260-32-400	\$75	\$100	\$200
Reporting incorrect weight - jockeys WAC 260-32-150	\$50	\$100	\$200
Failure to appear for films - jockeys WAC 260-24-510	\$50	\$100	\$200
Failure to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Easing mount without cause WAC 260-52-040	\$250	\$250 and/or suspension	\$500 and/or suspension
Jockey failing to maintain straight course or careless riding WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey's misuse of whip WAC 260-52-040	Warning to \$2500		
Use of stimulating device (may include batteries) WAC 260-52-040	1 year suspension plus mandatory referral to commission for revocation		
Possession of stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	1 year suspension plus mandatory referral to commission for revocation		

Class A & B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020	1 year suspension plus mandatory referral to commission for revocation		
Entering ineligible horse WAC 260-80-030	\$50	\$100	\$100
Arriving late to the paddock WAC 260-28-200	Warning to \$50	Warning to \$50	\$50 to \$100
Failure to have registration papers on file - resulting in a scratch WAC 260-40-090	\$50 to \$100	\$100	\$100
Failure to handle business properly - late equipment change, etc. WAC 260-44-010	Warning to \$50	\$100	\$100
Failure to report the correct name of a horse working WAC 260-40-100	Warning to \$50	\$100	\$150
Insufficient workouts - resulting in scratch WAC 260-40-100	\$50 to \$100	\$100	\$100

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$25	\$50	\$100
Disturbing the peace WAC 260-80-140	Warning to \$100 and/or suspension	\$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230	\$100		
Licensing - failure to divulge a felony WAC 260-36-120	\$100 or possible denial of license		
Licensing failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120	Warning to \$25		
Licensing - providing false information on application WAC 260-36-120	\$50 to \$250 or possible denial of license		
Licensing - nonparticipation WAC 260-36-080	License canceled		
Violation of any claiming rule in chapter 260-60 WAC	\$100 to \$250 plus possible suspension		
Use of improper, profane or indecent language to a racing official WAC 260-80-130	\$50	\$100	\$250
Unsafe vehicle operation WAC 260-20-020	Warning to \$50		
Financial responsibility WAC 260-28-030	Resolve 30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension		
Failure to appear - hearing WAC 260-24-510	Suspension pending appearance		
Failure to honor riding engagements (call) - agents WAC 260-32-400	\$25	\$50	\$100
Reporting incorrect weight - jockeys WAC 260-32-150	\$25	\$50	\$100

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure to appear for films - jockeys WAC 260-24-510	\$25	\$50	\$100
Failure to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey's misuse of whip WAC 260-52-040	Warning to \$2500		
Use of stimulating device (may include batteries) WAC 260-52-040	1 year suspension plus mandatory referral to commission for revocation		
Possession of stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	1 year suspension plus mandatory referral to commission for revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020	1 year suspension plus mandatory referral to commission for revocation		
Entering ineligible horse WAC 260-80-030	\$25	\$50	\$50
Arriving late to the paddock WAC 260-28-200	Warning to \$25	\$50	\$50
Failure to have registration papers on file - resulting in a scratch WAC 260-40-090	\$50	\$100	\$100
Failure to handle business properly - late equipment change, etc. WAC 260-44-010	Warning to \$50	\$50	\$50

Class A, B & C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Engaging in the illegal sale or distribution of alcohol WAC 260-34-045	30 day suspension	1 year suspension plus mandatory referral to commission for revocation	
Using an illegal controlled substance other than marijuana WAC 260-34-045	30 day suspension	1 year suspension plus mandatory referral to commission for revocation	
Being under the influence of alcohol and/or drugs WAC 260-34-045	Warning to 1 day suspension	3 day suspension	30 day suspension (1 year suspension plus mandatory referral to the commission for revocation for 4th offense)
Possession or use of marijuana WAC 260-34-045	3 day suspension	30 day suspension	1 year suspension plus mandatory referral to commission for revocation
Illegal possession of any felony drug or controlled substance WAC 260-34-045	1 year suspension plus mandatory referral to commission for revocation		
Refusal to submit to a drug or alcohol test WAC 260-34-045 and 260-34-060	1 year suspension plus mandatory referral to commission for revocation		

Class A, B & C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Possession of any equipment or material used for the manufacture or distribution of any drug or controlled substance, or engaging in the sale, manufacture or distribution of any drug or controlled substance on the grounds WAC 260-08-150	Immediate ejection from the grounds and mandatory referral to the commission for revocation		
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$50	\$100	\$250 plus possible suspension
Failure to post problem gambling signs WAC 260-12-250	\$50	\$100	\$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	\$25	\$50	\$100
Failure to follow instructions of the outrider WAC 260-12-690	\$50	\$100	\$200
Failure to complete provisional license application within fourteen days WAC 260-36-200	Warning to \$100 and denial of license	\$250 and denial of license	\$500 and denial of license
Failure to pay or default on L&I payment WAC 260-28-220	Suspension until paid plus \$25 for each quarter payment is late		
Failure to maintain employee L&I records for grooms and assistant trainers (trainer's responsibility) WAC 260-28-230	Warning to \$50		
Unlicensed person on the backside WAC 260-20-040	Report violation to the racing association		

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee shall include violations, which occurred in Washington as well as any other recognized racing jurisdiction.

(3) For any other violation not specifically listed above, the stewards shall have discretion to impose the penalties as provided in WAC 260-24-510 (3)(b). For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year.

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
- (b) The impact of the offense on the integrity of the parimutuel industry;
- (c) The danger to human and/or equine safety;
- (d) The number of prior violations of the rules of racing or violations of racing rules in other jurisdictions; and/or
- (e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-84-090.

(6) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter. A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-060, filed 3/11/05, effective 4/11/05; Rules of racing, § 381, filed 4/21/61.]

WAC 260-84-070 Ejection from grounds—Permission to reenter. Any person ejected from the grounds of an association shall be denied admission to said grounds until permission to reenter has been obtained from the commission, or its designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-070, filed 3/11/05, effective 4/11/05; Rules of racing, § 382, filed 4/21/61.]

WAC 260-84-090 Medication and prohibited substances—Penalties—Guidelines. Upon a finding of a violation of the medication and prohibited substances rules in chapter 260-70 WAC, the stewards shall consider the classification level of the medication, drug or substance as established in WAC 260-70-680 prior to imposing a penalty. The stewards shall also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and whether the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's report received per WAC 260-70-540. A lesser penalty than that established in WAC 260-84-110 may be imposed if a majority of the stewards determine that mitigating circumstances warrant a lesser penalty. If a majority of the stewards determine a greater penalty is appropriate or that a penalty in excess of the authority granted them is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with spe-

cific recommendations for further action. In determining if there are mitigating circumstances surrounding a medication violation for substances referred to in chapter 260-70 WAC, at least the following shall be considered:

- (1) The past record of the trainer and/or veterinarian in medication/drug cases;
- (2) The potential of the medication/drug to influence a horse's racing performance;
- (3) The availability of the medication/drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the medication/drug used;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (7) The purse of the race;
- (8) Whether the medication found was one for which the horse was receiving a treatment as determined by the veterinarian report(s);
- (9) Whether there was any suspicious betting pattern in the race; and
- (10) Whether the presence of the medication/drug in urine was confirmed in serum or plasma.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-090, filed 3/11/05, effective 4/11/05.]

WAC 260-84-100 Furosemide penalties. (1) Penalties shall be assessed against any person found to be responsible or party to the improper administration of furosemide or failure to administer furosemide when required, in chapter 260-70 WAC as follows:

Fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may be referred to the commission for further action, which may include an additional fine or suspension.

(2) Equine medication violations from Washington and all recognized racing jurisdictions, shall be considered when assessing penalties.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-100, filed 3/11/05, effective 4/11/05.]

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 5.0 but < 6.5 mcg/ml	Warning	Fine not to exceed \$300	Fine not to exceed \$500
≥ 6.5 but < 10.0 mcg/ml	Fine not to exceed \$300	Fine not to exceed \$500	Fine not to exceed \$1000
≥ 10.0 mcg/ml	Fine not to exceed \$500	Fine not to exceed \$1000	Fine not to exceed \$2500 and possible suspension

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

(5) In assessing penalties for equine medication, violations from Washington and all recognized racing jurisdictions shall be considered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-120, filed 3/11/05, effective 4/11/05.]

WAC 260-84-110 Penalties for uniform classifications. (1) Penalties shall be assessed against any person found to be responsible or party to the improper administration of a drug or the intentional administration of a drug resulting in a positive test. In assessing penalties under this section, violations in the last three hundred sixty-five days from Washington and all recognized racing jurisdictions shall be considered.

(a) Class 1 - One to five year suspension and at least \$5,000 fine and loss of purse.

(b) Class 2 - Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(c) Class 3 - Sixty days to six months suspension and up to \$1,500 fine and possible loss of purse.

(d) Class 4 - Zero to sixty days suspension and up to \$1,000 fine and possible loss of purse.

(e) Class 5 - Warning to fifteen days suspension with a possible loss of purse and/or fine.

(2) A lesser penalty may be imposed if a majority of the stewards determine that mitigating circumstances, as outlined in WAC 260-70-090 exist.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-110, filed 3/11/05, effective 4/11/05.]

WAC 260-84-120 Penalties relating to permitted medication. (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties shall be assessed:

(a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;

(b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;

(c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties shall be assessed:

WAC 260-84-130 Penalties for prohibited practices. For a person found to be responsible for or party to violation of WAC 260-70-545, including the treating veterinarian, the following penalties shall be assessed:

(1) For violations of WAC 260-70-545, except WAC 260-70-545 (4)(b);

(a) For first offense - Thirty day suspension and \$1,000 fine;

(b) For second offense - Sixty day suspension and \$2,000 fine;

(c) For third offense - One year suspension, \$2,500 fine and a mandatory referral to the commission.

(2) For violations of WAC 260-70-545 (4)(b), the person found to be responsible for or party to the violation, including

the treating veterinarian shall be suspended for one year, shall pay a \$2,500 fine and there shall be a mandatory referral to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-130, filed 3/11/05, effective 4/11/05.]

Title 284 WAC INSURANCE COMMISSIONER, OFFICE OF

Chapters

284-13	Assets—Liabilities—Investments and reinsurance.
284-17	Licensing requirements and procedures.
284-24	Rates.
284-34	Credit life and credit accident and health insurance.
284-43	Health carriers and health plans.
284-49	Washington basic coverage policy (small group) insurance regulation.
284-54	Long-term care insurance rules.
284-66	Washington Medicare supplement insurance regulation.

Chapter 284-13 WAC

ASSETS—LIABILITIES—INVESTMENTS AND REINSURANCE

WAC

284-13-580	Reinsurance contract.
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WAC 284-13-580 Reinsurance contract. The reinsurance agreement between any ceding insurer claiming credit for reinsurance and an assuming insurer that meets the requirements of this regulation or is in compliance with RCW 48.12.160 and 48.12.162 must include:

(1) A proper insolvency clause pursuant to RCW 48.12.162 (1)(b); and

(2) A provision stating that an unauthorized assuming insurer:

(a) Has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States;

(b) Has agreed to comply with all requirements necessary to give such court or panel jurisdiction;

(c) Has designated an agent upon whom service of process may be effected; and

(d) Has agreed to abide by the final decision of such court or panel.

[Statutory Authority: RCW 48.02.060, 48.12.154. 05-02-075 (Matter No. R 2004-06), § 284-13-580, filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060 and 48.12.160. 93-19-002 (Order R 93-6), § 284-13-580, filed 9/1/93, effective 10/2/93.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Chapter 284-17 WAC

LICENSING REQUIREMENTS AND PROCEDURES

WAC

284-17-200	What is the purpose of the continuing education regulation?
284-17-210	What definitions are important throughout this chapter?
284-17-220	Who is required to meet continuing education (CE) requirements?
284-17-222	Who is exempt from the continuing education requirements?
284-17-224	How many continuing education credits do I need?
284-17-226	What is required as proof of completion of a course?
284-17-228	What is required for a self-study course?
284-17-230	May I take any approved continuing education course?
284-17-232	When must I meet the continuing education requirement?
284-17-234	What happens if I am late renewing my license?
284-17-236	What happens if my renewal is received prior to expiration but is incomplete due to the submission of an invalid course(s), an incorrect fee or noncompletion of the renewal notice?
284-17-238	What happens if I do not meet the continuing education requirement?
284-17-240	Can I reinstate my license?
284-17-242	How long do I have to keep the course completion certificates?
284-17-244	How do I request individual approval for my attendance of an insurance related course that is not already approved?
284-17-246	Can I get continuing education credit for attending an insurance related college course?
284-17-248	How long are my certificates of completion valid?
284-17-250	Can I repeat a continuing education course?
284-17-252	If I have excess hours (hours that exceed the minimum required for license renewal), can I carry them over to my next license renewal?
284-17-254	How can I be granted a waiver of the continuing education requirements?
284-17-256	If I instruct a class, how many approved credits will I receive?
284-17-258	What is the long-term care (LTC) special education requirement?
284-17-260	Who is required to complete the LTC special education requirement?
284-17-262	Who must certify completion of the LTC special education and when is the certification due?
284-17-264	May I use the LTC special education course for continuing education?
284-17-270	How do I become a provider?
284-17-272	What are the responsibilities of an approved provider?
284-17-274	Is there a fee to become an approved provider or for course approval?
284-17-276	Will I be issued a provider number?
284-17-278	How do I get a course approved?
284-17-280	What courses are eligible for approval?
284-17-282	Will I be issued a course number?
284-17-284	What courses are specifically approved?
284-17-286	How are credit hours assigned to a course?
284-17-288	What attendance records must the provider maintain?
284-17-290	How long must the provider maintain the attendance or purchase and completion records?
284-17-292	What must be included on a certificate of completion?
284-17-294	Do I have to renew my approval as a provider?
284-17-296	Do I have to renew an approval of a course?
284-17-298	Must I submit an electronic attendance roster?
284-17-301	Does the commissioner have the authority to levy a fine against a CE provider or revoke or suspend a CE provider's approval?
284-17-302	What actions by a provider could result in a fine?
284-17-304	Can the approval of a provider be suspended or revoked?
284-17-306	Can an approval of a course be suspended or revoked?
284-17-308	May I advertise a course prior to approval?
284-17-310	What must a course advertisement include?
284-17-312	Does Washington participate in the NAIC Uniform Continuing Education Reciprocity Agreement?
284-17-320	What are the qualifications of an instructor?
284-17-235	Exception to the advanced approval requirement. [Statutory Authority: RCW 48.02.060. 88-01-074 (Order R 87-12), § 284-17-235, filed 12/18/87, effective 3/1/88.]

Repealed by 05-07-091 (Matter No. R 2004-04), filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040.

284-17-275

Courses not approved. [Statutory Authority: RCW 48.02.060, 89-19-037 (Order R 89-10), § 284-17-275, filed 9/15/89, effective 10/16/89; 88-01-074 (Order R 87-12), § 284-17-275, filed 12/18/87, effective 3/1/88.] Repealed by 05-07-091 (Matter No. R 2004-04), filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040.

WAC 284-17-200 What is the purpose of the continuing education regulation? The purpose of WAC 284-17-200 through 284-17-320 is to implement the provisions of RCW 48.17.150. This regulation establishes the minimum continuing education requirements that must be met prior to the renewal of an insurance agent, solicitor or broker license, and specifies minimum criteria that must be met in order to qualify insurance courses for approval.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-200, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060, 89-19-037 (Order R 89-10), § 284-17-200, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-200, filed 3/20/80.]

WAC 284-17-210 What definitions are important throughout this chapter? As used in this continuing education regulation, unless the context requires otherwise:

(1) "Approved course" means an educational insurance related program including correspondence courses and seminars that have been approved by OIC.

(2) "Credit hours" means the value assigned to a course by the OIC.

(3) "Certificate of completion" means a document signed by the course instructor or other responsible officer of the provider signifying satisfactory completion of the course and reflecting credit hours earned. The certificate shall be in standard format, completed in its entirety, and containing such identifying information as is prescribed by the OIC.

(4) "Course number" means the identifying number assigned by OIC for an approved course.

(5) "Course outline" includes summary content and the time allotted by topic.

(6) "Days" means calendar days including Saturday and Sunday.

(7) "Designation course" includes professional studies taken to achieve nationally recognized professional distinctions.

(8) "Instructor" means an individual knowledgeable in topic(s) of discussion.

(9) "Licensee" means an individual licensed under Title 48 RCW, as a resident insurance agent, solicitor or broker to sell life, disability, property, casualty or vehicle insurance. An individual holding a limited license to sell credit life and disability insurance, or travel insurance, or holding a license to sell surety insurance, need not satisfy the continuing education requirement.

(10) "Long-term care (LTC) special education" means education required by individual resident and nonresident agents and brokers prior to transacting long-term care insurance.

(11) "Long-term care (LTC) special education refresher course" means a condensed version of the LTC special education course.

(12) "Monitor" is an individual responsible for verifying class attendance and course content completion.

(13) "Override commission" means compensation received for the sale of insurance by a licensee who is not directly involved with a consumer.

(14) "OIC" means the Washington state office of insurance commissioner.

(15) "Provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school or independent contractor to which the OIC has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of resident individual agents and brokers.

(16) "Provider number" is the identifying number assigned by OIC to an approved provider of insurance education.

(17) "Refresher LTC special education" means a condensed version of the LTC special education course.

(18) "Reinstatement" means the reissuance of a license that has expired more than sixty days but less than two years from the expiration date of the previous license.

(19) "Request for approval" is a submission of information required for approval of a provider and course.

(20) "Resident" means a licensee who resides in Washington state.

(21) "Roster" is a course attendance record or course purchase and completion record maintained by the provider.

(22) "Schedule" means written notification of when a course will be offered.

(23) "Self-study" means a method of study independent of a classroom setting.

(24) "Surety" insurance includes credit insurance, bail bonds, fidelity, insurance contract performance guarantees, bonds, guarantee undertakings, and contracts of suretyship, and indemnification of banks, bankers, brokers, financial or moneyed corporations or associations against certain losses enumerated in RCW 48.11.080(5).

(25) "Transacting" means solicitation, negotiations preliminary to execution, execution of an insurance contract, transaction of matters subsequent to execution of the contract and arising out of it and insuring.

(26) "Vehicle insurance" includes insurance against loss or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therefrom, and against any liability resulting from or incident to ownership.

(27) "Waiver" means an OIC approved exemption from the continuing education requirement.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-210, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060, 89-19-037 (Order R 89-10), § 284-17-210, filed 9/15/89, effective 10/16/89; 82-10-016 (Order R 82-2), § 284-17-210, filed 4/28/82. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-210, filed 3/20/80.]

WAC 284-17-220 Who is required to meet continuing education (CE) requirements? All individual resident

agents, brokers and solicitors licensed to sell life, disability, property and casualty lines of insurance must meet the continuing education requirement.

Individual agents and solicitors licensed to sell vehicle insurance must meet the continuing education requirement beginning with January 1, 2007, renewals.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-220, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060 and 48.17.150. 98-11-090 (Matter No. R 98-9), § 284-17-220, filed 5/20/98, effective 6/20/98. Statutory Authority: RCW 48.02.060, 48.17.150 and 48.85.030. 97-19-007, § 284-17-220, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 48.02.060, 48.17.150, 48.20.450, 48.85.030 and 48.85.040. 96-17-029 (Matter No. R 95-16), § 284-17-220, filed 8/13/96, effective 9/13/96. Statutory Authority: RCW 48.01.030, 48.02.060(3), 48.14.010, 48.17.150(2), 48.17.160 (1)(5) and 48.17.500(3). 94-14-033 (Order R 94-14), § 284-17-220, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-220, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.02.060 and 48.17.150. 81-18-049 (Order R 81-5), § 284-17-220, filed 8/31/81. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-220, filed 3/20/80.]

WAC 284-17-222 Who is exempt from the continuing education requirements? All individual resident agents licensed under chapter 48.17 RCW to sell credit life and disability, credit casualty, travel, and surety lines of insurance are exempt from the continuing education requirement. Resident adjusters are exempt from the continuing education requirement.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-222, filed 3/17/05, effective 4/17/05.]

WAC 284-17-224 How many continuing education credits do I need? Currently you are required to complete thirty-two hours of approved continuing education for each license renewal cycle. Effective January 1, 2006, you will be required to complete twenty-four hours of approved continuing education, including three hours of ethics education.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-224, filed 3/17/05, effective 4/17/05.]

WAC 284-17-226 What is required as proof of completion of a course? The course provider will issue you a certificate of completion within fifteen days of completion of the course. For designation courses the passing grade report will be accepted in lieu of a certificate of completion.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-226, filed 3/17/05, effective 4/17/05.]

WAC 284-17-228 What is required for a self-study course? The completion date for a self-study course must be reasonable in relation to the purchase date to allow for adequate time for course completion. For example, if a course is approved for twenty-four hours of continuing education credit, there must be at least three days difference between the course purchase and the completion dates. This information will be verified on the continuing education certificate issued for the course completion. It is assumed that no more than eight course hours can be completed in a single twenty-four hour period.

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[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-228, filed 3/17/05, effective 4/17/05.]

WAC 284-17-230 May I take any approved continuing education course? Yes, the only required subject is three hours of ethics per renewal period.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-230, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-230, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-230, filed 3/20/80.]

WAC 284-17-232 When must I meet the continuing education requirement? If you are a resident individual licensee with the lines of authority of life, disability, property, casualty or vehicle, you must complete the continuing education requirement as a prerequisite to renewing your license(s). Courses must be completed within the twenty-four months prior to the month of the renewal or reinstatement.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-232, filed 3/17/05, effective 4/17/05.]

WAC 284-17-234 What happens if I am late renewing my license? If your renewal is late, you cannot act under the license until your renewal is processed. Late fees are as follows:

Days late	Surcharge
1 - 30	50% of fee
31 - 60	100% of fee

After sixty days from your expiration date, your license and all associated appointments and affiliations are terminated.

If your request and fee for license renewal is not received by the expiration date, your authority conferred by the license ends on the expiration date.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-234, filed 3/17/05, effective 4/17/05.]

WAC 284-17-236 What happens if my renewal is received prior to expiration but is incomplete due to the submission of an invalid course(s), an incorrect fee or noncompletion of the renewal notice? If your request and fee for license renewal is not received by the expiration date, your authority conferred by the license ends on the expiration date. If your request and fee for license renewal is received by the expiration date, you may continue to act under your license until the issuance of the renewed license or until the expiration of fifteen calendar days after you were notified that your request for renewal has been refused.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-236, filed 3/17/05, effective 4/17/05.]

WAC 284-17-238 What happens if I do not meet the continuing education requirement? If the continuing education requirement is not met, your license expires and is no

longer valid. All appointments and affiliations will be canceled.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-238, filed 3/17/05, effective 4/17/05.]

WAC 284-17-240 Can I reinstate my license? (1) Yes, you may reinstate your license without retesting if no more than two years has passed since your license expired or was canceled. To reinstate you must submit the following:

- (a) An application (INS-14) or your last renewal notice;
 - (b) Continuing education certificates for twenty-four hours of continuing education;
 - (c) Either an appointment or affiliation (INS-18); and
 - (d) The appropriate fee.
- (2) After two years, you will have to take prelicensing education, and a license exam and submit a new application complete with a fingerprint card and the requisite fees.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-240, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7, 10. 80-04-042 (Order R 80-3), § 284-17-240, filed 3/20/80.]

WAC 284-17-242 How long do I have to keep the course completion certificates? You must keep the original certificates for at least three years.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-242, filed 3/17/05, effective 4/17/05.]

WAC 284-17-244 How do I request individual approval for my attendance of an insurance related course that is not already approved? You may attend and request credit for completion of an insurance related course organized and conducted by an entity that is not already approved as a provider. The OIC will make an informed determination as to the educational value of the course. You must submit the following:

- (1) Proof of attendance by signature of the instructor(s) or person in charge verifying licensee's attendance;
- (2) Sufficient supporting materials regarding course content; and
- (3) Credit hours sought.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-244, filed 3/17/05, effective 4/17/05.]

WAC 284-17-246 Can I get continuing education credit for attending an insurance related college course? Yes, continuing education credits are granted for college level courses on approved subjects by submitting a transcript showing completion of the course. Hours are determined as follows:

- (1) Twelve hours will be assigned for each college quarter credit hour.
- (2) Sixteen hours will be assigned for each college semester credit hour.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-246, filed 3/17/05, effective 4/17/05.]

WAC 284-17-248 How long are my certificates of completion valid? Certificates of completion are valid for twenty-four months from the course completion date.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-248, filed 3/17/05, effective 4/17/05.]

WAC 284-17-250 Can I repeat a continuing education course? Yes, you can repeat a course with the same course number after three years from the previous completion date.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-250, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.01.030, 48.02.060(3), 48.14.010, 48.17.150(2), 48.17.160 (1)(5) and 48.17.500(3). 94-14-033 (Order R 94-14), § 284-17-250, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-250, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.02.060 and 48.17.150. 81-18-049 (Order R 81-5), § 284-17-250, filed 8/31/81. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7, 10. 80-04-042 (Order R 80-3), § 284-17-250, filed 3/20/80.]

WAC 284-17-252 If I have excess hours (hours that exceed the minimum required for license renewal), can I carry them over to my next license renewal? No, excess hours cannot be carried over to the next license renewal.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-252, filed 3/17/05, effective 4/17/05.]

WAC 284-17-254 How can I be granted a waiver of the continuing education requirements? If you believe good cause exists, you may request a waiver of the continuing education requirement. Requests must be in writing at time of renewal of your license and specify in detail the reason why you believe a waiver is merited.

(1) Retirement waiver. If your request for a waiver is based upon your retirement, your request must be accompanied by a statement attesting that:

- (a) You are least sixty-five years of age;
- (b) You are retired from selling insurance products; and
- (c) You no longer represent any insurer either directly or through an affiliation with a business entity.

(2) Medical waiver. If your request for a waiver is based upon a medical condition, your request must be accompanied by a physician's statement of your illness or injury.

(3) Military waiver. If your request for a waiver is based upon activation to military service, your request must be accompanied by a copy of the "Letter of Mobilization" and your representative's (the individual given power-of-attorney by the licensee) name and address so that your license renewal notice can be sent to your representative. Your representative must sign the renewal. The renewal and fees must be returned to the OIC. The OIC may waive the continuing education requirement for renewal of your license for the duration of active military service.

A waiver is only valid up to two years from the licensee's regular license renewal date.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-254, filed 3/17/05, effective 4/17/05.]

WAC 284-17-256 If I instruct a class, how many approved credits will I receive? You will receive twice the amount of approved credits if you instruct the entire course.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-256, filed 3/17/05, effective 4/17/05.]

WAC 284-17-258 What is the long-term care (LTC) special education requirement? Resident and nonresident agents engaged in the transaction of LTC insurance or long-term care partnership (LTCP) insurance are required to take an approved six-hour course on LTC or LTCP before soliciting, selling, or otherwise transacting these types of insurance business as to such products with consumers. The four-hour refresher LTC special education course must be taken every two-year renewal period subsequent to the initial six-hour course. The OIC prescribes the content of the course. Each course must be approved by the OIC in advance.

This requirement does not apply to licensees receiving override commissions on LTC transactions if the licensee has had no contact with the consumer.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-258, filed 3/17/05, effective 4/17/05.]

WAC 284-17-260 Who is required to complete the LTC special education requirement? Both resident and nonresident agents who transact LTC business must complete the six-hour LTC special education course and must complete the four-hour refresher course per renewal period.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-260, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.01.030, 48.02.060(3), 48.14.010, 48.17.150(2), 48.17.160 (1)(5) and 48.17.500(3). 94-14-033 (Order R 94-14), § 284-17-260, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-260, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-260, filed 3/20/80.]

WAC 284-17-262 Who must certify completion of the LTC special education and when is the certification due? Each insurer that has approved LTC policies must certify yearly that all agents have completed the LTC special education prior to selling the LTC product. This certification is to be delivered to the OIC yearly on or before March 31st.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-262, filed 3/17/05, effective 4/17/05.]

WAC 284-17-264 May I use the LTC special education course for continuing education? If you are a resident agent and you take an LTC special education course that has also been approved for continuing education, you may use the hours toward your required twenty-four hours.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-264, filed 3/17/05, effective 4/17/05.]

WAC 284-17-270 How do I become a provider? To become a continuing education provider, you must meet the standard as required in RCW 48.17.563(1) and complete the

provider application (form CEPROVIDER), available on the OIC web site or upon request from the OIC.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-270, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-270, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.02.060 and 48.17.150. 81-18-049 (Order R 81-5), § 284-17-270, filed 8/31/81. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-270, filed 3/20/80.]

WAC 284-17-272 What are the responsibilities of an approved provider? An approved provider is responsible for:

- (1) Providing the OIC with the name of a contact person who is the responsible person for the provider;
- (2) Hiring and supervising instructors who are trustworthy, competent, and knowledgeable;
- (3) Providing adequate supervision over instructors;
- (4) Notifying, in a format as required by OIC, the OIC with a course schedule at least ten calendar days prior to the course date;
- (5) Identifying a monitor, an individual who is responsible for verification of class attendance and course content completion;
- (6) Maintaining a roster, consisting of a sign-in/sign-out register for lecture courses;
- (7) Maintaining a purchase and completion roster for self-study courses;
- (8) Filing the roster in a format as required by OIC, within ten days;
- (9) Issuing course completion certificates within fifteen days of completion of course;
- (10) Maintaining records for a period of three years from completion date of the course.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-272, filed 3/17/05, effective 4/17/05.]

WAC 284-17-274 Is there a fee to become an approved provider or for course approval? No fee is required to become a provider or for the approval of a course.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-274, filed 3/17/05, effective 4/17/05.]

WAC 284-17-276 Will I be issued a provider number? Yes. You will be given a provider number that must be included on all certificates of completion.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-276, filed 3/17/05, effective 4/17/05.]

WAC 284-17-278 How do I get a course approved? You must submit a request for approval to the OIC prior to offering the course. This request must include the following:

- (1) Lecture (classroom);
 - (a) Completed course approval request form;
 - (b) Content outline which includes topics and time;
 - (c) Biography or resume of instructor;
 - (d) Date(s) that course is to be offered.
- (2) Self-study;
 - (a) Completed course approval request form;

- (b) Study material;
- (c) Sample exams.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-278, filed 3/17/05, effective 4/17/05.]

WAC 284-17-280 What courses are eligible for approval? (1) Courses eligible for approval to satisfy the continuing education requirement are:

- (a) Courses demonstrating a direct and specific application to insurance; and
- (b) Courses presenting information relevant to insurance related statutory and regulatory requirements.

(2) General education, sales, motivation, management, leadership, automation, and prelicense training courses are not eligible for approval, unless the provider can demonstrate that a substantial portion of the course relates to the business of insurance and is not solely focused on an individual insurer's product.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-280, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-280, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-280, filed 3/20/80.]

WAC 284-17-282 Will I be issued a course number?

Yes, you will be issued a course number at the time of approval of the course. This number must be included on all certificates of completion for that course.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-282, filed 3/17/05, effective 4/17/05.]

WAC 284-17-284 What courses are specifically approved? (Designation courses.)

(1) The following courses are approved for the maximum number of hours required per renewal period:

- (a) Any part of the American College Life Underwriting Training Council (LUTC) designation program.
- (b) Any part of the American College Chartered Life Underwriter (CLU) designation program and advanced study programs.
- (c) Any part of the Insurance Institute of America's program of insurance.
- (d) Any part of the American Institute for Chartered Property Casualty Underwriter (CPCU) designation program.
- (e) Any part of the Certified Insurance Counselor (CIC) program.
- (f) Any part of the Health Insurance Association of America (HIAA) designation program.
- (g) Any part of the Certified Employee Benefit Specialist (CEBS) designation program.
- (h) Any part of the Life Office Management Association (FLMI) designation program.

Changes in the above identified courses are presumed to be approved by the OIC unless the sponsoring organization is advised of disapproval.

(2) The OIC may approve additional designation courses of similar substance.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-284, filed 3/17/05, effective 4/17/05.]

WAC 284-17-286 How are credit hours assigned to a course? The number of credit hours assigned to a course will normally be based upon the number of classroom hours or their equivalent for self-study correspondence courses. However, the number of credit hours assigned may be less than the total amount of time spent by the licensee in the course, based upon an evaluation of the course content. No course will be approved for less than one hour of continuing education credit.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-286, filed 3/17/05, effective 4/17/05.]

WAC 284-17-288 What attendance records must the provider maintain? The provider of a course must maintain an attendance record. This would consist of a sign-in/sign-out register for lecture courses and purchase and completion records for self-study courses.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-288, filed 3/17/05, effective 4/17/05.]

WAC 284-17-290 How long must the provider maintain the attendance or purchase and completion records?

The provider must retain such registers, or any other evidence of satisfactory completion, for a period of three years from the date of course completion. The records may be retained in an electronic format.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-290, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.01.030, 48.02.060(3), 48.14.010, 48.17.150(2), 48.17.160 (1)(5) and 48.17.500(3). 94-14-033 (Order R 94-14), § 284-17-290, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-290, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-290, filed 3/20/80.]

WAC 284-17-292 What must be included on a certificate of completion? The certificate of completion must be in the form specified by OIC and include the following:

- (1) Name of student;
- (2) Course title and number;
- (3) Date of purchase of course, if applicable;
- (4) Date of completion;
- (5) Number of credit hours;
- (6) Provider name and number;
- (7) Signature of instructor or monitor and date; and
- (8) Certification of completion by student.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-292, filed 3/17/05, effective 4/17/05.]

WAC 284-17-294 Do I have to renew my approval as a provider? No. Your approval as a provider does not need to be renewed as long as you have received approval for a course within the last four years.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-294, filed 3/17/05, effective 4/17/05.]

WAC 284-17-296 Do I have to renew an approval of a course? Yes, a course must be renewed every two years. A renewal notice will be sent by the OIC and must be completed and returned with a copy of the current course material for a correspondence course or outline for a lecture course. If substantial changes have been made in the course curriculum, it should be submitted as a new course.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-296, filed 3/17/05, effective 4/17/05.]

WAC 284-17-298 Must I submit an electronic attendance roster? Yes, the provider will be required to submit the attendance roster in a format as determined by OIC.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-298, filed 3/17/05, effective 4/17/05.]

WAC 284-17-301 Does the commissioner have the authority to levy a fine against a CE provider or revoke or suspend a CE provider's approval? After hearing or upon stipulation by the CE provider, and in addition to or in lieu of the suspension, revocation, or refusal to renew any such CE provider approval, the commissioner may levy a fine upon the CE provider.

(1) For each offense the fine shall be an amount not more than one thousand dollars.

(2) The order levying such fine shall specify that the fine must be fully paid not less than fifteen nor more than thirty days from the date of the order.

(3) Upon failure to pay any such fine when due, the commissioner shall revoke the approval of the CE provider, if not already revoked.

The fine may be recovered in a civil action brought on behalf of the commissioner by the attorney general. Any fine so collected will be paid by the commissioner to the state treasurer for the account of the general fund.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-301, filed 3/17/05, effective 4/17/05.]

WAC 284-17-302 What actions by a provider could result in a fine? The following actions may result in a fine:

(1) Advertising or offering a course without prior approval;

(2) Not following the approved course outline;

(3) Issuing fraudulent completion certificates; and

(4) Recruitment within an advertisement or during the hours of a course presentation.

(5) The provider has failed to comply with or has violated any statute or regulation pertaining to insurance continuing education providers.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-302, filed 3/17/05, effective 4/17/05.]

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WAC 284-17-304 Can the approval of a provider be suspended or revoked? (1) Yes, the approval may be suspended or revoked if:

(a) The provider or its employees involved in insurance education have violated any of the provisions of Title 48 RCW or Title 284 WAC; or

(b) The OIC finds under these titles that disciplinary action against any provider is appropriate; the OIC may exercise the discretion to suspend or revoke the provider approval and all of its courses.

(2) Reinstatement of a suspended or revoked approval shall be at the discretion of the OIC after receipt of satisfactory proof that the conditions responsible for the suspension have been corrected.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-304, filed 3/17/05, effective 4/17/05.]

WAC 284-17-306 Can an approval of a course be suspended or revoked? (1) Yes, the approval of a course may be suspended or revoked if the OIC determines that:

(a) The content of an approved course was significantly changed without notice to and approval from, the OIC;

(b) A certificate of completion was issued to any individual who did not complete the course;

(c) A certificate of completion was not issued to any individual who satisfactorily completed the course;

(d) The actual instruction of the course is determined by the commissioner to be inadequate; or

(e) The provider failed to comply with the OIC's request for submissions of updated descriptions of any course offerings; or records, course materials, or audit information were not provided within fifteen days of the OIC's request.

(2) Reinstatement of a suspended or revoked approval is at the discretion of the OIC. The OIC must receive satisfactory proof that the conditions responsible for the suspension have been corrected.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-306, filed 3/17/05, effective 4/17/05.]

WAC 284-17-308 May I advertise a course prior to approval? No, a course should not be advertised prior to approval.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-308, filed 3/17/05, effective 4/17/05.]

WAC 284-17-310 What must a course advertisement include? A course advertisement must include:

(1) The provider name;

(2) The course title;

(3) A brief description of the course;

(4) The number of credit hours applied for or approved;

(5) The location;

(6) The date and time; and

(7) The cost of the course.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-310, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-310, filed 9/15/89, effective 10/16/89; 82-10-016 (Order R 82-2), § 284-17-310, filed 4/28/82. Statutory Authority: RCW 48.02.060 and 48.17.-

150. 81-18-049 (Order R 81-5), § 284-17-310, filed 8/31/81. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-310, filed 3/20/80.]

WAC 284-17-312 Does Washington participate in the NAIC Uniform Continuing Education Reciprocity Agreement? (1) Yes, Washington has entered into an agreement with states participating in the NAIC Uniform Continuing Education Reciprocity Agreement. With just a few state specific exceptions, a course approved by a participating state will be accepted by other participating states by submitting NAIC Uniform Continuing Education Reciprocity Course Filing Form and any required attachments.

(2) Participating states have agreed they will not review another state's CE credit hours. Instructor qualifications will also not be reviewed. A standard course filing form will be used for reciprocity filings.

(3) The agreement does not change any of a provider's current duties under Washington law. A provider must still be independently qualified as an approved provider in a participating state.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-312, filed 3/17/05, effective 4/17/05.]

WAC 284-17-320 What are the qualifications of an instructor? An instructor must be trustworthy, competent and knowledgeable in the subject area being taught.

[Statutory Authority: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040. 05-07-091 (Matter No. R 2004-04), § 284-17-320, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 48.01.030, 48.02.060(3), 48.14.010, 48.17.150(2), 48.17.160 (1)(5) and 48.17.500(3). 94-14-033 (Order R 94-14), § 284-17-320, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 48.02.060. 89-19-037 (Order R 89-10), § 284-17-320, filed 9/15/89, effective 10/16/89. Statutory Authority: RCW 48.17.150 as amended by 1979 ex.s. c 269 §§ 7,10. 80-04-042 (Order R 80-3), § 284-17-320, filed 3/20/80.]

Chapter 284-24 WAC RATES

WAC

284-24-065 Demonstration that rates satisfy the requirements of RCW 48.19.020.

WAC 284-24-065 Demonstration that rates satisfy the requirements of RCW 48.19.020. (1) When an insurer or rating organization files rates with the commissioner, it must demonstrate that the proposed rates satisfy the requirements of chapter 48.19 RCW. RCW 48.19.020 requires that premium rates for insurance shall not be excessive, inadequate, or unfairly discriminatory. A rate is reasonable and not excessive, inadequate, or unfairly discriminatory if it is an actuarially sound estimate of the expected value of all future costs associated with an individual risk transfer. Such costs include claims, claim settlement expenses, operational and administrative expenses, and the cost of capital.

(2) For the purposes of this section, "operating ratio" means the sum of after-tax underwriting profit (or loss) and after-tax investment income on assets corresponding to unearned premium reserves and loss and loss adjustment expense reserves, divided by premium.

(3) For liability insurance, if the increased limits factors include risk loads, the proportion of the expected premium (net of expenses) arising from the risk loads for all policy limits shall be included in the expected underwriting profit or loss.

(4) Rates are not considered excessive if the expected operating ratio corresponding to the proposed rate level is less than or equal to five percent.

(5) Rates are not considered inadequate if the expected operating ratio corresponding to the proposed rate level is greater than or equal to zero.

(6) When an insurer or rating organization files rates for which the expected operating ratio corresponding to the proposed rate level is less than zero or greater than five percent, it must demonstrate that the proposed rates are consistent with the principles stated in subsection (1) of this section. In other words, the insurer or rating organization must show how it has accounted for all expected costs, including claims, claim settlement expenses, operational and administrative expenses, and the cost of capital.

[Statutory Authority: RCW 48.02.060, 48.19.020, 48.19.080. 05-22-061 (Matter No. R 2003-05), § 284-24-065, filed 10/31/05, effective 1/1/06. Statutory Authority: RCW 48.02.060, 48.19.080, 48.19.370 and 48.19.020. 98-20-102 (Matter No. R 98-4), § 284-24-065, filed 10/7/98, effective 11/7/98. Statutory Authority: RCW 48.02.060 and 48.19.080. 91-01-073 (Order R 90-13), § 284-24-065, filed 12/17/90, effective 1/17/91.]

Chapter 284-34 WAC

CREDIT LIFE AND CREDIT ACCIDENT AND HEALTH INSURANCE

WAC

284-34-100	What is the purpose of this regulation?
284-34-110	What definitions are important throughout this regulation?
284-34-120	What rights do debtors have?
284-34-130	What obligations do insurers have?
284-34-140	How will the commissioner determine if benefits are reasonable in relation to premium charges?
284-34-150	What are the standards for prima facie credit life insurance rates?
284-34-160	What mandatory benefits apply to prima facie credit life insurance rates?
284-34-170	What are the standards for credit accident and health insurance rates?
284-34-180	What mandatory benefits apply to prima facie credit accident and health insurance rates?
284-34-190	What refund formulas are allowed?
284-34-200	Do insurers have to file experience reports?
284-34-210	When will the commissioner adjust prima facie rates, and how will rate changes be implemented?
284-34-220	What rates may an insurer use for its direct business?
284-34-230	What obligations does an insurer have to supervise consumer credit operations?
284-34-240	What practices are insurers prohibited from doing?
284-34-250	What information must be disclosed to debtors?
284-34-260	What is the effective date of this regulation?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-34-010	Credit life insurance. [Order 324 (part), filed 9/26/67, effective 1/1/68.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.
284-34-020	Credit accident and health insurance. [Order 324 (part), filed 9/26/67, effective 1/1/68.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.

- 284-34-030 Collection and remittance of premiums. [Order 324 (part), filed 9/26/67, effective 1/1/68.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.
- 284-34-040 Rate filings and deviations from prima facie rates. [Order 324 (part), filed 9/26/67, effective 1/1/68.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.
- 284-34-050 Refunds. [Order R-75-4, § 284-34-050, filed 9/25/75; Order 324 (part), filed 9/26/67, effective 1/1/68.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.
- 284-34-060 Effective date—Implementation. [Order 324 (part), filed 9/26/67, effective 1/1/68.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.
- 284-34-070 Prohibited transactions. [Order R-76-5, § 284-34-070, filed 11/16/76.] Repealed by 05-02-076 (Matter No. R 2002-02), filed 1/4/05, effective 4/1/05. Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.

WAC 284-34-100 What is the purpose of this regulation? The purpose of this regulation, WAC 284-34-100 through 284-34-260, is to protect debtors and the public by establishing a system of rate, policy form, and operating standards for the transaction of consumer credit insurance. This regulation interprets and implements the sections of Title 48 RCW that apply to consumer credit insurance, including, but not limited to, the following sections: RCW 48.02.060 (3)(a), 48.24.040 and chapter 48.34 RCW.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-100, filed 1/4/05, effective 4/1/05.]

WAC 284-34-110 What definitions are important throughout this regulation? (1) **"Affiliate"** has the same meaning as stated in RCW 48.31B.005(1).

(2) **"Closed-end credit"** means any credit transaction that does not meet the definition of open-end credit.

(3) **"Control"** has the same meaning as stated in RCW 48.31B.005(2).

(4) **"Compensation"** means any form of payment that results directly from the sale of consumer credit insurance, including:

- (a) Commissions;
- (b) Dividends;
- (c) Equipment;
- (d) Expense allowances or reimbursements;
- (e) Experience refunds;
- (f) Facilities;
- (g) Gifts;
- (h) Goods or services;
- (i) Retrospective rate credits; or
- (j) Service fees.

(5) **"Consumer credit insurance"** means credit life insurance or credit accident and health insurance defined in RCW 48.34.030.

(6) **"Credit transaction"** means an agreement to:

- (a) Repay money loaned;
 - (b) Pay for a loan commitment made; or
 - (c) Pay for goods, services, or property sold or leased.
- Payment would be made at a future date or dates.

(7) **"Evidence of individual insurability"** means a statement furnished by the debtor related to:

- (a) The health status or health or medical history of the debtor;
- (b) The occupation of the debtor; or
- (c) Other conditions for the insurance to take effect.

Evidence of individual insurability does not include information related to the eligibility of the debtor for coverage.

(8) **"Loss ratio"** means incurred claims divided by the sum of earned premiums and imputed interest earned on unearned premiums. The commissioner imputes interest at the maximum rate permitted for the valuation of whole life insurance.

(9) **"Net debt"** means the amount needed to repay all remaining debt in a single payment. Net debt does not include unearned interest and other unearned finance charges.

(10) **"Open-end credit"** means a credit agreement in which the creditor:

- (a) Allows repeated transactions;
- (b) Applies finance charges to unpaid balances; and
- (c) May allow additional credit if part of the balance is repaid.

(11)(a) **"Preexisting condition"** means any condition for which the insured debtor received medical advice, consultation, or treatment.

(b) The insured debtor must have received the medical advice, consultation or treatment within six months before the insurance takes effect.

(c) The insured debtor must have become disabled within six months after the insurance takes effect.

(12) **"Premium"** means the same as RCW 48.18.170, and includes all forms of compensation.

(13) **"Underwriting"** means applying criteria under which the insurer:

- (a) Issues or refuses to issue;
- (b) Renews or refuses to renew; or
- (c) Limits coverage.

Underwriting includes decisions by the insurer based on eligibility criteria or evidence of individual insurability.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-110, filed 1/4/05, effective 4/1/05.]

WAC 284-34-120 What rights do debtors have? (1) A debtor has the right to know about all available credit insurance plans. The creditor must inform every debtor about:

- (a) Each plan of insurance for which the debtor is eligible; and
- (b) The premium or insurance charge for each plan of insurance.

(2) If the creditor requires consumer credit insurance, then the debtor has the right to provide alternative insurance coverage. The creditor must tell the debtor before the transaction is completed that the debtor may provide alternative insurance coverage. The debtor may:

- (a) Use existing insurance policies the debtor owns or controls; or
 - (b) Get coverage from any authorized insurer.
- (3) Debtor's rights when a policy of group consumer credit insurance ends:

(a) The insurer must continue coverage for the entire period for which a premium has been paid. This paragraph applies if the policy provides for:

- (i) Single premium payments; or
- (ii) Premium payments that prepay coverage beyond one month.

(b) The insurer must provide termination notice to the insured debtor at least thirty days before coverage ends. If the policy provides for monthly premium payments, the insurer does not have to provide termination notice if the debtor obtains equivalent coverage and no lapse of coverage occurs.

(4) For coverage on refinanced debt, all exclusions and policy limitations will apply as of the first date that the debtor first became insured for the original debt.

This subsection applies to the amount of debt and term of the debt outstanding on the day the debtor refinances.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-120, filed 1/4/05, effective 4/1/05.]

WAC 284-34-130 What obligations do insurers have? (1) If the creditor adds insurance charges or premiums to the debt, the insurer must collect the premium or charges within sixty days after it is added to the debt.

(2) If the debtor refinances and pays off the debt before the scheduled maturity date, the insurer must terminate existing insurance before any new insurance may be issued to provide coverage for the refinanced debt.

(3) If insurance coverage ends due to prepayment before the scheduled maturity date, the insurer must terminate coverage and comply with WAC 284-34-190 and refund all unearned insurance or premium charges and cause those amounts to be paid or credited to the debtor. The following exceptions apply:

(a) The insurer does not have to refund insurance charges or premiums for any coverage under which a lump sum insurance benefit is paid.

(b) The insurer does not have to refund insurance charges or premiums for any period of disability under which credit accident and health benefits are paid.

(c) The insurer must comply with WAC 284-34-170 (1)(d)(ii), which says that disability premium charges must be returned for the months following the billing month in which the disability occurred.

(4) The insurer may apply a maximum limit on total claim payments only to a specific individual policy or group certificate.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-130, filed 1/4/05, effective 4/1/05.]

WAC 284-34-140 How will the commissioner determine if benefits are reasonable in relation to premium charges? (1) Insurers must provide consumer credit insurance benefits that are reasonable in relation to the premium charged. This means that debtors must be provided reasonable benefits in return for their premium payments.

(a) The commissioner presumes that the rates in WAC 284-34-150 and 284-34-170, as adjusted under WAC 284-34-210, satisfy this standard. These rates allow:

(i) Sixty percent of premium for benefits on one debtor; and

(ii) Forty percent of premium for expenses and profit.

(b) If an insurer wants to use rates that are different than those in WAC 284-34-150 or 284-34-170, the insurer must file those rates under WAC 284-34-220.

(i) The commissioner must approve the alternative rates before they are used; and

(ii) The insurer must provide data that prove the alternative rates will result in reasonable benefits in relation to premium charges.

(2) The commissioner presumes excessive compensation requires premiums that are not reasonable in relation to benefits provided to debtors. The commissioner presumes that compensation is excessive if:

(a) Total compensation exceeds thirty percent of the net written prima facie premium; or

(b) More than twenty-five percent of net written prima facie premium is paid directly or indirectly to a creditor.

(3) If an insurer does not provide coverage to a debtor during a time period, the insurer may not charge premium for that period.

(4) If an insurer files any form providing coverage that is different from that described in WAC 284-34-150 through 284-34-180, the insurer must prove that the rates:

(a) Will develop a loss ratio of sixty percent; or

(b) Are actuarially consistent with the rates in WAC 284-34-150 and 284-34-170.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-140, filed 1/4/05, effective 4/1/05.]

WAC 284-34-150 What are the standards for prima facie credit life insurance rates? Subject to WAC 284-34-160 and 284-34-220, the commissioner presumes the prima facie rates shown below meet the requirements of WAC 284-34-140. An insurer may use these rates without filing additional actuarial support.

(1) Monthly outstanding balance basis:

(a) Outstanding insured debt:

(i) Single life: Sixty cents per month per one thousand dollars of outstanding insured debt.

(ii) Joint life: Ninety-six cents per month per one thousand dollars of outstanding insured debt.

(b) Age or age bracket basis: The actuarial equivalent of 1/12 the annual mortality rate for male lives according to commissioner's 1980 standard ordinary mortality table. These conditions apply to the coverage:

(i) The insurer must define the rated age of the debtor in the individual policy or group certificate of insurance;

(ii) The mortality table must be on the same age basis as the coverage;

(iii) If premiums change according to the attained age of the debtor and increase on the debtor's birthday, the mortality table must be on the age near birthday basis;

(iv) The insurer must show the premiums or premium rates for the entire term of coverage in the individual policy or group certificate of insurance; and

(v) All rate changes must be approved by the commissioner.

(2) Single premium basis: If an insurer charges premium on a single premium basis, the rates must be computed by using:

(a) The following formula; or

(b) An alternative formula approved by the commissioner. The alternative formula must produce rates that are equivalent to those produced by the following formula:

$$S_p = \sum_{t=1}^n (O_p/10) \times (I_t/I_i)$$

S_p = Single premium per one hundred dollars of initial insured net debt.

O_p = Sixty cents or ninety-six cents, the prima facie life insurance premium rate per one thousand dollars for monthly outstanding balance coverage from subsection (1) of this section.

I_t = The scheduled amount of insurance for month t .

I_i = Initial amount of insurance. For a net insurance policy, I_i equals the initial principal balance of the loan.

n = The number of months in the term of the insurance.

(3) If an insurer provides benefits that are different than those described in this section, premium rates for those benefits must be actuarially consistent with rates in this section.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-150, filed 1/4/05, effective 4/1/05.]

WAC 284-34-160 What mandatory benefits apply to prima facie credit life insurance rates? The premium rates in WAC 284-34-150 apply to credit life insurance contracts that contain terms as favorable to insured debtors as the terms below:

(1) Suicide:

(a) An insurer may exclude coverage for suicide occurring within one year after the effective date of the coverage.

(b) Open-ended credit transactions: An insurer may apply a new suicide exclusion period to the portion of a new advance or charge that causes the amount of credit life insurance to exceed the greatest amount previously subject to this exclusion.

(2) Insurers may elect to include age restrictions in their certificates or policies, subject to the following conditions:

(a) An age restriction may say that no insurance will become effective on debtors who are age sixty-six or older.

(b) An age restriction may say that all insurance will end when the debtor becomes age sixty-six.

(c) Insurance coverage must continue until the end of the period for which a premium payment or charge is made.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-160, filed 1/4/05, effective 4/1/05.]

WAC 284-34-170 What are the standards for credit accident and health insurance rates? (1) Subject to WAC 284-34-180 and 284-34-220, the commissioner presumes the prima facie rates shown below meet the requirements of WAC 284-34-140. An insurer may use these rates without filing additional actuarial support.

(a) Single-premium basis for the entire period of debt: The prima facie rate per one hundred dollars of initial insured

debt is shown in the table below. Rates for monthly periods other than those listed must be interpolated:

No. of Months	Nonretroactive Benefits		Retroactive Benefits		
	14-day	30-day	7-day	14-day	30-day
1	0.08	0.00	0.27	0.21	0.00
3	0.49	0.18	0.71	0.66	0.47
6	0.95	0.47	1.16	1.12	0.87
12	1.49	0.86	1.85	1.77	1.39
18	1.83	1.13	2.38	2.26	1.76
24	2.07	1.35	2.81	2.65	2.04
30	2.25	1.52	3.17	2.97	2.28
36	2.41	1.67	3.48	3.25	2.48
48	2.65	1.90	3.98	3.69	2.80
60	2.83	2.09	4.38	4.05	3.05
72	2.97	2.24	4.66	4.33	3.25
84	3.09	2.37	4.87	4.57	3.42
96	3.18	2.47	5.04	4.77	3.56
108	3.26	2.56	5.17	4.93	3.68
120	3.32	2.63	5.26	5.07	3.77

(b) Monthly outstanding balance basis for closed-end debt: Insurers must compute premiums according to:

(i) A formula approved by the commissioner that produces rates actuarially consistent with the single premium rates in (a) of this subsection; or

(ii) This formula:

$$OP_n = 10 S_p \times n / (\sum_{t=1}^n a_{n-t+1})$$

where $a_t = (1 - 1/(1 + i)^t)/i$.

S_p = Single premium rate per one hundred dollars of initial insured debt repayable in n equal monthly installments as shown in (a) of this subsection.

OP_n = Monthly outstanding balance premium rate per one thousand dollars.

n = The number of months in the term of the insurance.

i = The monthly loan interest rate.

(c) Insurers must calculate single premium rates using the actuarial equivalent of (a) of this subsection.

(i) If an insurer provides coverage for constant maximum indemnity for a given period of time, the commissioner presumes premiums based on the rates in (a) of this subsection are earned according to the rule of anticipation.

(ii) The insurer may estimate the portion of the single premium earned in the first month of coverage by the average of the pro rata earned premium and the "sum of the digits" (also called the "Rule of 78") earned premium.

(iii) If an insurer provides critical period coverage with a benefit period of at least twelve months or the remaining term of the loan:

(A) The rates must be actuarially consistent with the rates for full term benefits in (a) of this subsection.

(B) To ensure actuarial consistency, the insurer may calculate conversion ratios based on the 1974 basic tables of credit A&H claim costs published in the NAIC Proceedings—1975 Vol. I, pages 675-691, or other suitable morbidity table.

(d) Lump sum disability coverage:

(i) The commissioner presumes the monthly premium charges per one hundred dollars of insured balance shown below meet the requirements of WAC 284-34-140. An insurer may use these rates without filing additional actuarial support:

(A) For a ninety-day qualifying period, fifteen cents; and

(B) For a one hundred eighty-day qualifying period, nine cents.

(ii) The insurer must provide a benefit equal to the insured balance on the date of disability. The insurer must return disability premium charges to the debtor for months following the billing month when the disability occurred.

(iii) The insurer may provide lump sum benefits on a single premium basis using the credit life insurance formula in WAC 284-34-150(2) and the rates in (d)(i) of this subsection in place of $O_p/10$.

(2) If insurance is written on open-end credit, the commissioner presumes that the prima facie rates for credit accident and health insurance shown below meet the requirements of WAC 284-34-140.

(a) Open-end credit rates must comply with WAC 284-34-170(3) and 284-34-220. An insurer may use these prima facie rates and the formulae used to calculate them without filing additional actuarial support.

(b) If approved by the commissioner, the insurer may use other formulae to convert rates from a single premium basis to a monthly outstanding balance basis.

(c) If the maximum benefit of the insurance equals the net debt on the date of disability, the term of the loan is calculated according to the formula: $1/(\text{benefit percent})$. The prima facie rate applied to the insured net debt is the portion of the single premium rate earned in the first month of coverage during the calculated term.

(d) If the maximum insurance benefit equals the outstanding balance of the loan on the date of disability plus any interest accruing on that amount during disability, the term of the insurance (n) is estimated by using the following formula:

$$n = \ln \{1 - (1000i/x)\} / \ln(v)$$

where:

i = Interest rate on the account or the lowest interest rate in the range used for the class of loan;

x = Monthly payment per one thousand dollars of coverage consistent with the term calculated above; and

$$v = 1/(1 + i).$$

(e) The calculated value of the term is used to look up a single premium rate in WAC 284-34-170 (1)(a). The insurer must calculate the prima facie rate applied to the insured net debt by multiplying the portion of the single premium rate earned in the first month of coverage by:

The adjustment n/a_n

Where:

n is the term calculated above, not to exceed forty-eight months; and

$$a_n = (1 - v^n)/i.$$

(f) An insurer may use the following monthly premium rates per one thousand dollars of insured net debt as composite rates for the following minimum benefit plans:

(i) Fourteen-day nonretroactive plan: \$1.06

(ii) Thirty-day nonretroactive plan: \$0.81

(iii) Seven-day retroactive plan: \$1.72

(iv) Fourteen-day retroactive plan: \$1.58

(v) Thirty-day retroactive plan: \$1.18

The insurer must state the monthly benefit in the certificate of insurance as a percentage of the insured net debt. The insurer must provide a monthly benefit sufficient to pay off the insured debt, including accruing interest, within forty-eight months.

(3) If an insurer sells accident and health coverage on a joint basis (insuring two debtors on the same loan), the joint coverage rate must be computed by multiplying the corresponding single coverage rate by 1.6.

(4) If an insurer provides benefits that are different than those described in this section, premium rates for those benefits must be actuarially consistent with rates in this section.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-170, filed 1/4/05, effective 4/1/05.]

WAC 284-34-180 What mandatory benefits apply to prima facie credit accident and health insurance rates?

The premium rates in WAC 284-34-170 apply to contracts providing credit accident and health insurance that contain terms as favorable to insured debtors as the terms below:

(1) The insurer may exclude benefits for disabilities that result from the following:

(a) War or any act of war;

(b) Elective surgery;

(c) Intentionally self-inflicted injury;

(d) Flight in any aircraft other than a commercial scheduled aircraft;

(e) A preexisting condition. The preexisting condition exclusion does not apply to disabilities that begin at least six months after the effective date.

(2) Open-ended credit transaction: An insurer may apply a preexisting condition exclusion only to the portion of a new advance or charge that causes the amount of credit accident and health insurance to exceed the greatest amount previously subject to this exclusion.

(3) Definition of disability:

(a) For the first twenty-four months of disability: Total disability means the inability to perform the essential functions of the debtor's own occupation.

(b) After the first twenty-four months: Disability means the inability of the insured to perform the essential functions of any occupation for which the debtor is reasonably suited due to education, training or experience.

(4) An insurer may require a statement that the debtor is actively at work before insurance becomes effective.

(a) The insurer may not require the insured debtor to be employed more than thirty hours per week.

(b) If a debtor is absent due to a regular day off, holiday or paid vacation, the commissioner presumes the debtor is actively at work.

(5) Insurers may elect to include age restrictions in their certificates or policies, subject to the following conditions:

(a) An age restriction may say that no insurance will become effective on debtors who are age sixty-six or older.

(b) An age restriction may say that all insurance will end when the debtor becomes age sixty-six.

(c) Insurance coverage must continue until the end of the period for which a premium payment or charge is made.

(6) The insurer must provide a daily benefit equal to or greater than one-thirtieth of the monthly benefit payable under the policy.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-180, filed 1/4/05, effective 4/1/05.]

WAC 284-34-190 What refund formulas are allowed? (1) The commissioner must approve refund formulas before they are used. The insurer must state the basis for the refund in the policy or certificate delivered to the debtor. The following methods, or other methods approved by the commissioner must be used:

(a) Pro rata method. The pro rata unearned gross premium method must be used for:

- (i) Level term credit life insurance;
- (ii) Credit accident and health insurance if the insured is covered for a constant maximum indemnity; and
- (iii) All credit insurance where the debtor is not charged on the single premium basis.

(b) Rule of anticipation. Unless the coverage is listed in (a) of this subsection, the refund must be at least what would have been charged for the remaining coverage for the remaining term of debt. An insurer may file other methods if they generate equivalent results.

(2) If coverage ends:

(a) The insurer may not charge insurance premium for the first fifteen days of a month.

(b) The insurer may charge premium for a full month if the debtor is covered for sixteen days or more.

(3) No refund of five dollars or less need be made.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-190, filed 1/4/05, effective 4/1/05.]

WAC 284-34-200 Do insurers have to file experience reports? Each authorized insurer in this state must file an annual report of consumer credit insurance written on a calendar year basis. The insurer must file the report with the commissioner and the National Association of Insurance Commissioners (NAIC). The report must:

(1) Use the Credit Insurance Supplement - Annual Statement Blank approved by the NAIC;

(2) Contain data separately for each state. An insurer may not use an allocation of its country-wide experience; and

(3) Be filed by the due date in the instructions to the annual statement.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-200, filed 1/4/05, effective 4/1/05.]

WAC 284-34-210 When will the commissioner adjust prima facie rates, and how will rate changes be implemented? (1) Every three years, the commissioner will review the loss ratio standards in WAC 284-34-140 and the prima facie rates in WAC 284-34-150 and 284-34-170 to:

(a) Determine the rate of expected claims on a statewide basis;

(b) Compare the rate of expected claims with the rate of actual claims for the preceding three years using data reported in the annual statement supplement or other available source(s);

(c) Determine if new rates should be published based on the rate of expected claims; and

(d) If needed, publish new statewide prima facie rates, and establish a date when all insurers must file new rates.

(2) When the commissioner publishes new rates, they will reflect:

(a) The difference between actual claims based on experience; and

(b) Expected claims based on the loss ratio standards in WAC 284-34-140 applied to the prima facie rates in WAC 284-34-150 and 284-34-170.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-210, filed 1/4/05, effective 4/1/05.]

WAC 284-34-220 What rates may an insurer use for its direct business? (1) An insurer may file rates that are equivalent to the prima facie rates in WAC 284-34-150 and 284-34-170 and use those rates without further proof of their reasonableness.

(2) An insurer must file rates and supporting actuarial documentation if it proposes:

(a) Policy provisions more restrictive than those allowed for prima facie rates; or

(b) Rates higher than those developed according to the standard case rating procedure.

(3) An insurer must file rates in a manner that permits public disclosure of the rates and their application as described in a supporting actuarial memorandum. If an insurer wants the commissioner to withhold experience and proprietary rate development methods from public disclosure to preserve trade secrets or prevent unfair competition, the insurer must:

(a) File that information in a separate actuarial memorandum; and

(b) Clearly identify the information that is confidential.

(4) Any filings that do not include all data and calculations required by this section will be disapproved and returned to the insurer.

(5) An insurer may file rates that are higher than the prima facie rates included in WAC 284-34-150 and 284-34-170. The rates must be adjusted under WAC 284-34-210 and result in benefits that are reasonable in relation to the premium charged. When evaluating deviations, the commissioner will:

(a) Evaluate the insurer's total consumer credit insurance business, including insurance written by affiliated insurers, for each type of consumer credit insurance for which a rate deviation is being filed.

(b) Consider whether the insurer can be reasonably expected to develop a sixty percent loss ratio.

(c) Evaluate the actuarial justification to see if it proves that the benefits will be reasonable in relation to premium charged. The insurer must submit actuarial justification that includes:

(i) All calculations and supporting data required for the standard case rating procedure set forth in WAC 284-34-

220(10). The insurer must show the loss ratio the rates are expected to develop.

(ii) An actuarial memorandum that:

(A) Explains the calculations of all elements affecting earned premiums or incurred claims; and

(B) Projects experience from inception to equilibrium or termination.

(6) The insurer must specify the account or accounts to which the deviated rates apply.

(7) A deviated rate may be applied:

(a) Uniformly to all accounts of the insurer;

(b) Equitably to only one or more accounts of the insurer for which the experience has been less favorable than expected; or

(c) According to a case-rating procedure approved by the commissioner. The insurer must compare the rates developed by the proposed case-rating procedure to the rates developed by the standard case-rating procedure set forth in WAC 284-34-220(10).

(8) A deviated rate may be in effect for a period no longer than the experience period used to establish the rate (i.e., one-year, two-years or three-years). An insurer may file a new rate before the end of a rate period, but no more than once during any twelve-month period.

(9) A deviated rate may be used only by the insurer that filed the rate. If an account changes insurers, the rates approved for the prior insurer may not be used by the succeeding insurer.

(10) Standard case rating procedure. An insurer may file rates calculated using this standard case rating procedure. If an insurer decides to use this procedure, the insurer must use it to rate all of its credit insurance in this state. Once an insurer selects this procedure, the insurer must continue to use it until a different procedure has been approved by the commissioner.

(a) Account case rate. The case rate for an account is determined as follows:

(i) If the account is a single account case or a multiple account case, the case rate must be determined by the formula in (b) of this subsection.

(ii) If the account is in a pooled account case, the case rate for each account must be determined by the formula set forth in (b) of this subsection.

(iii) If the account is new and the insurer has no experience in this state, the case rate for the account will be the prima facie rate under WAC 284-34-150 and 284-34-170.

(b) New case rate. The new case rate, NCR, is the sum of:

(i) The adjusted expense loading, AE; and

(ii) The prima facie rate, PFR, times the credibility adjusted case loss ratio at prima facie basis, CLR.

(iii) Formula: $NCR = AE + PFR \times CLR$.

(c) Definitions:

(i) NCR is equivalently redefined in (d) of this subsection.

(ii) ALR is the actual loss ratio for the case at prima facie rates.

(iii) ELR is the minimum loss ratio, equal to sixty percent.

(iv) Z is the credibility factor for the case.

(v) CLR is the sum of Z times ALR and (1-Z) times ELR.

(vi) E is the expense loading in the prima facie rate, equal to forty percent of the prima facie rate.

(d) Formulas:

(i) If CLR is less than ELR for credit life insurance or credit accident and health insurance, then $AE = E$, and $NCR = PFR[1 - (ELR - CLR)]$.

(ii) If CLR is greater than ELR for credit life insurance, $AE = E + .1(CLR - ELR)$, and $NCR = PFR[1 + 1.1(CLR - ELR)]$.

(iii) If CLR is greater than ELR for credit accident and health insurance, $AE = E + .2(CLR - ELR)$, and $NCR = PFR[1 + 1.2(CLR - ELR)]$.

(e) The new case rate will be the current case rate if the new case rate, as defined above, does not differ by more than five percent of the prima facie rate from the current case rate.

(f) If an insurer has filed deviated rates or has elected to use the standard case rating procedure, the insurer must file a new schedule of rates after it submits the credit insurance experience exhibit.

(i) This filing must include an actuarial memorandum that proves the new rates are appropriate and explains any differences in the character of the claim reserves and liabilities as reported in its:

(A) Exhibit 6 (claim reserves) and Exhibit 8 (claim liabilities) of its annual statement;

(B) Credit insurance experience exhibits for this state; and

(C) Experience as filed for the total of the cases subject to the rate filing.

(ii) The new rates must be placed in effect on September 1 of that year unless:

(A) The commissioner approves a different effective date; or

(B) The commissioner disapproves the rates within thirty days after receipt of the filing or by July 1 of that year, whichever is later.

(11) An insurer may file lower rates at any time. The commissioner must approve those rates before they are used.

(12) These definitions apply to this section:

(a) "**Case**" includes either a "**single account case**" or a "**multiple account case**" or a "**pooled account case**."

(i) "**Single account case**" means an account that is at least as credible as the minimum level of credibility elected by the insurer for defining a single account case. A single account case must exclude all accounts which have been included in multiple account cases. If the insurer makes no written election, the minimum credibility factor will be one hundred percent.

(ii) "**Multiple account case**" means two or more accounts of the same insurer having similar underwriting characteristics that are combined by the insurer for premium rating purposes.

(A) A single account case may not be included in a multiple account case; and

(B) All accounts, when combined, must be at least as credible as the minimum level of credibility the insurer selects for single account cases; and

(C) The commissioner must approve the accounts put into a multiple case account.

(iii) "**Pooled account case**" means a combination of all the insurer's accounts of the same plan of insurance. The

pooled account case must have experience in this state and exclude all single account cases and multiple account cases.

(b) **"Earned premium"** means the total gross premiums that become due to the insurer adjusted for the change in unearned premium reserve. The insurer may reduce earned premium only for refunds and adjustments due to termination of coverage. The unearned premium reserve is calculated according to the refund formula in WAC 284-34-190.

(c) **"Experience"** means:

- (i) Written premiums;
- (ii) Earned premiums;
- (iii) Earned premiums at prima facie rates;
- (iv) Paid claims;
- (v) Incurred claims;
- (vi) Incurred claim count; and
- (vii) The number of life years insured during the experience period.

(d) **"Experience period"** means the most recent period of time for which experience is reported. The experience period may not exceed three full years.

(e) **"Incurred claims"** means total claims paid during the experience period adjusted for the change in claim reserves and liabilities.

(i) The commissioner considers a disability claim incurred on the date disability commenced.

(ii) The commissioner may disallow that part of any claim reserve or liability that cannot be supported by verifiable data.

(f) **"Incurred claim count"** means the number of claims incurred for the case during the experience period. An incurred claim count includes:

- (i) The total number of claims reported during the experience period, whether paid or in the process of payment.
- (ii) Any incurred but not reported (IBNR) at the end of the experience period less the number of IBNR claims at the beginning of the experience period.

(iii) If a debtor has been issued more than one certificate for the same plan of insurance, only one claim may be counted.

(iv) If a debtor receives disability benefits, only the initial claim payment for that period of disability may be counted.

(g) **"Average number of life years"** means the average number of group certificates or individual policies in force during the experience period (without regard to multiple coverage) times the number of years in the experience period, or an equivalent calculation.

(h) **"Credibility table"** for purposes of the standard case rating procedure means the following table:

Credit Life	Credit Accident and Health Plans			Incurred Claim Count	Credibility Factor
	Retroactive and Nonretroactive				
	7-day	14-day	30-day		
1	1	1	1	1	0.00
1,800	95	141	209	9	0.25
2,400	126	188	279	12	0.30
3,000	158	234	349	15	0.35
3,600	189	281	419	18	0.40
4,600	242	359	535	23	0.45
5,600	295	438	651	28	0.50
6,600	347	516	767	33	0.55
7,600	400	594	884	38	0.60
9,600	505	750	1,116	48	0.65
11,600	611	906	1,349	58	0.70
14,600	768	1,141	1,698	73	0.75
17,600	926	1,375	2,047	88	0.80
20,600	1,084	1,609	2,395	103	0.85
25,600	1,347	2,000	2,977	128	0.90
30,600	1,611	2,391	3,558	153	0.95
40,000	2,106	3,125	4,651	200	1.00

(i) The integral numbers above represent the lower end of the bracket for each credibility factor "Z." The upper end is one less than the lower end for the next higher Z factor.

(ii) To use this table, find the credibility factor from the credibility table for the experience group.

(iii) If actual loss ratios are less than fifty percent, use the average number of life years for both life insurance and disability insurance. Otherwise, use either the average number of life years or the incurred claims count.

If either of these measures cannot be accurately determined, the commissioner may accept reasonable approximations.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-220, filed 1/4/05, effective 4/1/05.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-34-230 What obligations does an insurer have to supervise consumer credit operations? Each insurer transacting credit insurance in this state must:

(1) Periodically conduct a complete review of creditors. This review must include all aspects of the credit insurance business and assure compliance with all state insurance laws and regulations.

(2) Maintain written records of the reviews for examination by the commissioner for at least three years.

(3) Maintain a list of all licensed individuals who have sold or been compensated for the sale of consumer credit

insurance. This list must show a licensed individual for each consumer credit insurance policy or certificate issued.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-230, filed 1/4/05, effective 4/1/05.]

WAC 284-34-240 What practices are insurers prohibited from doing? The following practices, when engaged in by insurers in connection with the sale or placement of credit insurance, or as an inducement thereto, constitute unfair methods of competition and are subject to the enforcement provisions of RCW 48.30.010. An insurer must not:

(1) Offer or grant to a creditor any special advantage or service that is not included in either the group insurance contract or in the agency contract. This subsection does not prohibit payment of agent's commissions.

(2) Agree to deposit with a bank or financial institution money or securities of the insurer with the design or intent that the deposit will affect or replace a deposit of money or securities that otherwise would be required of the creditor by the bank or financial institution as a compensating balance or offsetting deposit for a loan or other advancement.

(3) Deposit money or securities without interest or at a lesser rate of interest than is currently being paid by the creditor, bank or financial institution to other depositors of like amounts for similar durations. This subsection does not prohibit an insurer from maintaining demand deposits or premium deposit accounts that the insurer needs to use in the ordinary course of the insurer's business.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-240, filed 1/4/05, effective 4/1/05.]

WAC 284-34-250 What information must be disclosed to debtors? (1) If a debtor buys consumer credit insurance in connection with a credit transaction, the creditor must disclose this information to the debtor in writing:

(a) The debtor does not have to buy consumer credit insurance.

(b) The debtor may not need consumer credit insurance if the debtor has other insurance that covers the risk.

(c) The debtor does not have to buy consumer credit insurance to obtain credit approval.

(d) If the creditor offers more than one type of consumer credit insurance to debtors, whether the debtor can buy each type of insurance separately.

(e) The insurer may decide to deny coverage. This statement must list all factors that may cause the insurer to deny or limit coverage, including:

- (i) Underwriting standards;
- (ii) Exceptions to coverage;
- (iii) Limitations and exclusions to coverage;
- (iv) Eligibility criteria; and
- (v) The date coverage will be effective.

(f) The debtor can cancel coverage within the first thirty days after receiving an individual policy or group certificate. The insurer or creditor must promptly refund or credit to the debtor's account all amounts charged for insurance or obtaining it.

(g) The debtor may cancel coverage at any time during the term of the loan if the:

(i) Debtor buys other insurance that covers the risk; or
(ii) Credit agreement does not require the debtor to buy consumer credit insurance.

(h) If the debtor cancels coverage, the insurer or creditor must promptly pay or credit to the debtor's account a refund of all unearned premium.

(i) That the debtor must provide evidence of alternative insurance acceptable to the creditor at the time of cancellation only if insurance is a requirement for the extension of credit.

(j) A brief description of the coverage, including a description of:

- (i) The amount of insurance;
- (ii) The term of insurance;
- (iii) Insured events;
- (iv) Any waiting or elimination period;
- (v) Any applicable waiver of premium provision;
- (vi) To whom the benefits would be paid; and
- (vii) The rate for each type of coverage.

(k) If the premium or insurance charge(s) are financed, they are subject to finance charges at the rate applicable to the credit transaction.

(2) An individual policy or group certificate must, in addition to other requirements of RCW 48.34.090, state the following:

(a) Closed-end credit: The premium or amount of payment by the debtor separately for each kind of coverage.

(b) Open-end credit: The premium rate and the basis of premium calculation (e.g., average daily balance, prior monthly balance).

(c) If the scheduled term of insurance is less than the scheduled term of the credit transaction, the face of each individual policy or group certificate must display a prominent notice explaining that the insurance coverage will end before the loan ends.

(d) Each individual policy or group certificate must display a prominent notice of any exceptions, restrictions, limitations or exclusions.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-250, filed 1/4/05, effective 4/1/05.]

WAC 284-34-260 What is the effective date of this regulation? (1) This regulation takes effect on April 1, 2005.

(2) Approval of all forms that do not comply with this regulation is withdrawn as of October 1, 2005. No form may be issued on or after October 1, 2005, unless it has been approved by the commissioner and conforms to this regulation.

(3) Group insurance:

(a) Certificates and premium rates used with existing policies must conform to this regulation by the first anniversary date of the policy on or after October 1, 2005. This includes, but is not limited to:

(i) Continuing insurance on a debtor where agreement between the insurer and the group policyholder, with or without notice to the debtor, is sufficient to terminate that insurance; and

(ii) Continuing insurance on a debtor where the insurer has the right to change premium rates with the approval of the commissioner.

(b) For the purpose of this subsection, no new form or policy that amends or replaces an existing policy of consumer credit insurance may alter the anniversary date of the policy.

(c) "Existing policy" means a policy in force prior to October 1, 2005.

[Statutory Authority: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110. 05-02-076 (Matter No. R 2002-02), § 284-34-260, filed 1/4/05, effective 4/1/05.]

Chapter 284-43 WAC

HEALTH CARRIERS AND HEALTH PLANS

WAC

284-43-905	Applicability and scope.
284-43-910	Definitions.
284-43-915	Demonstration that benefits provided are not reasonable in relation to the amount charged for a contract per RCW 48.44.020 and 48.46.060.
284-43-920	When a carrier is required to file.
284-43-925	General contents of all filings.
284-43-930	Contents of small group filings.
284-43-935	Experience records.
284-43-940	Evaluating experience data.
284-43-945	Summary for small group contract filings.
284-43-950	Summary for group contract filings other than small group contract filings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-43-900	Authority and purpose. [Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-900, filed 1/23/98, effective 3/1/98.] Repealed by 05-07-006 (Matter No. R 2004-05), filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200.
284-43-955	Effective date. [Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-955, filed 1/23/98, effective 3/1/98.] Repealed by 05-07-006 (Matter No. R 2004-05), filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200.

WAC 284-43-905 Applicability and scope. This subchapter applies to health benefit plans as defined in RCW 48.43.005, and contracts for limited health care services as defined in RCW 48.44.035, offered by health care service contractors and health maintenance organizations transacting business in this state under chapter 48.44 or 48.46 RCW. It applies to such plans purchased directly by individuals, small employers, large employers and other organizations.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-905, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-905, filed 1/23/98, effective 3/1/98.]

WAC 284-43-910 Definitions. For the purpose of this subchapter:

(1) "Adjusted earned premium" means the amount of "earned premium" the "carrier" would have earned had the "carrier" charged current "premium rates" for all applicable "plans."

(2) "Annualized earned premium" means the "earned premium" that would be earned in a twelve-month period if earned at the same rate as during the applicable period.

(3) "Anticipated loss ratio" means the "projected incurred claims" divided by the "projected earned premium."

(4) "Base rate" means the "premium" for a specific "plan," expressed as a monthly amount per "covered person or subscriber," prior to any adjustments for geographic area, age, family size, wellness activities or any other factors as may be allowed.

(5) "Capitation expenses" means the amount paid to a provider or facility on a per "covered person" basis, or as part of risk-sharing provisions, for the coverage of specified health care services.

(6) "Carrier" means a health care service contractor or health maintenance organization.

(7) "Certificate" means the statement of coverage document furnished "subscribers" covered under a "group contract."

(8) "Claim reserves" means the "claims" that have been reported but not paid plus the "claims" that have not been reported but may be reasonably expected.

(9) "Claims" means the cost to the "carrier" of health care services provided to a "covered person" or paid to or on behalf of the "covered person" in accordance with the terms of a "plan." This includes "capitation payments" or other similar payments made to providers or facilities for the purpose of paying for health care services for a "covered person."

(10) "Community rate" means the weighted average of all "premium rates" within a filing with the weights determined according to current enrollment.

(11) "Contract" means an agreement to provide health care services or pay health care costs for or on behalf of a "subscriber" or group of "subscribers" and such eligible dependents as may be included therein.

(12) "Contract form" means the prototype of a "contract" and any associated riders and endorsements filed with the commissioner by a health care service contractor or health maintenance organization.

(13) "Contribution to surplus, contingency charges, or risk charges" means the portion of the "projected earned premium" not associated directly with "claims" or "expenses."

(14) "Covered person" or "enrollee" has the same meaning as that contained in RCW 48.43.005.

(15) "Current community rate" means the weighted average of the "community rates" at the renewal or initial effective dates of each plan for the year immediately preceding the renewal period, with weights determined according to current enrollment.

(16) "Current enrollment" means the monthly average number and demographic makeup of the "covered persons" for the applicable contracts during the most recent twelve months for which information is available to the carrier.

(17) "Earned premium" means the "premium" plus any rate credits or recoupments, applicable to an accounting period whether received before, during, or after such period.

(18) "Expenses" means costs that include but are not limited to the following:

(a) Claim adjudication costs;

(b) Utilization management costs if distinguishable from "claims";

- (c) Home office and field overhead;
- (d) Acquisition and selling costs;
- (e) Taxes; and
- (f) All other costs except "claims."

(19) "Experience period" means the most recent twelve-month period from which the carrier accumulates the data to support a filing.

(20) "Extraordinary expenses" means "expenses" resulting from occurrences atypical of the normal business activities of the "carrier" that are not expected to recur regularly in the near future.

(21) "Group contract" or "group plan" means an agreement issued to an employer, corporation, labor union, association, trust, or other organization to provide health care services to employees or members of such entities and the dependents of such employees or members.

(22) "Incurred claims" means "claims" paid during the applicable period plus the "claim reserves" as of the end of the applicable period minus the "claim reserves" as of the beginning of the applicable period. Alternatively, for the purpose of providing monthly data or trend analysis, "incurred claims" may be defined as the current best estimate of the "claims" for services provided during the applicable period.

(23) "Individual contract" means a "contract" issued to and covering an individual. An "individual contract" may include dependents.

(24) "Investment earnings" means the income, dividends, and realized capital gains earned on an asset.

(25) "Loss ratio" means "incurred claims" as a percentage of "earned premiums" before any deductions.

(26) "Medical care component of the consumer price index for all urban consumers" means the similarly named figure published monthly by the United States Bureau of Labor Statistics.

(27) "Net worth or reserves and unassigned funds" means the excess of assets over liabilities on a statutory basis.

(28) "Plan" means a "contract" that is a health benefit plan as defined in RCW 48.43.005 or a "contract" for limited health care services as defined in RCW 48.44.035.

(29) "Premium" has the same meaning as that contained in RCW 48.43.005.

(30) "Premium rate" means the "premium" per "subscriber" or "covered person" obtained by adjusting the "base rate" for geographic area, family size, age, wellness activities, or any other factors as may be allowed.

(31) "Projected earned premium" means the "earned premium" that would be derived from applying the proposed "premium rates" to the current enrollment.

(32) "Projected incurred claims" means the estimate of "incurred claims" for the rate renewal period based on the current enrollment.

(33) "Proposed community rate" means the weighted average of the "community rates" at the renewal dates of each plan for the renewal period, with weights determined according to current enrollment.

(34) "Provider" has the same meaning as that contained in RCW 48.43.005.

(35) "Rate renewal period" means the period for which the proposed "premium rates" are intended to remain in effect.

(36) "Rate schedule" means the schedule of all "base rates" for "plans" included in the filing.

(37) "Requested increase in the community rate" means the amount, expressed as a percentage, by which the "proposed community rate" exceeds the "current community rate."

(38) "Service type" means the category of service for which "claims" are paid, such as hospital, professional, dental, prescription drug, or other.

(39) "Small group contracts" or "small group plans" means the class of "group contracts" issued to "small employers," as that term is defined in RCW 48.43.005.

(40) "Staffing data" means statistics on the number of providers and associated compensation required to provide a fixed number of services or provide services to a fixed number of "covered persons."

(41) "Subscriber" means a person on whose behalf a "contract" or "certificate" is issued.

(42) "Unit cost data" means statistics on the cost per health care service provided to a "covered person."

(43) "Utilization data" means statistics on the number of services used by a fixed number of "covered persons" over a fixed length of time.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-910, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-910, filed 1/23/98, effective 3/1/98.]

WAC 284-43-915 Demonstration that benefits provided are not reasonable in relation to the amount charged for a contract per RCW 48.44.020 and 48.46.060.

(1) The provisions of this section are in addition to the requirements set forth in RCW 48.44.022, 48.44.023, 48.46.064, and 48.46.066.

(2) Benefits will be found not to be unreasonable if the projected earned premium for the rate renewal period is equal to the following:

(a) An actuarially sound estimate of incurred claims associated with the filing for the rate renewal period, where the actuarial estimate of claims recognizes, as applicable, the savings and costs associated with managed care provisions of the plans included in the filing; plus

(b) An actuarially sound estimate of prudently incurred expenses associated with the plans included in the filing for the rate renewal period, where the estimate is based on an equitable and consistent expense allocation or assignment methodology; plus

(c) An actuarially sound provision for contribution to surplus, contingency charges, or risk charges, where the justification recognizes the carrier's investment earnings on assets other than those related to claim reserves or other similar liabilities; minus

(d) An actuarially sound estimate of the forecasted investment earnings on assets related to claim reserves or other similar liabilities for the plans included in the filing for the rate renewal period.

(3) The contribution to surplus, contingency charges, or risk charges in subsection (2)(c) of this section, will not be required to be less than zero.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-915, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-915, filed 1/23/98, effective 3/1/98.]

WAC 284-43-920 When a carrier is required to file.

(1) Carriers must file with the commissioner every contract form and rate schedule and modification of a contract form and rate schedule:

(a) Before the contract form is offered for sale to the public and before the rate schedule is used; and

(b) Within thirty days after the end of an eighteen-month period during which a previous filing has remained unchanged for such period, including contract forms filed prior to the effective date of this regulation.

(2) Filings of negotiated contract forms, and applicable rate schedules, that are placed into effect at time of negotiation or that have a retroactive effective date are not required to be filed in accordance with subsection (1)(a) and (b) of this section, but must be filed within thirty working days after the earlier of:

(a) The date group contract negotiations are completed; or

(b) The date renewal premiums are implemented.

(3) An explanation for any filing delayed beyond the thirty-day period as described in subsection (2) of this section must be given on the filing document as set forth in WAC 284-43-950.

(4) If written confirmation of the commissioner's final action is desired, the carrier must submit with the filing duplicate copies of the filing transmittal and cover letter, along with a return self-addressed, stamped envelope. The duplicate transmittal will note the commissioner's final action and will be returned to the sender in the return envelope enclosed with the filing.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-920, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-920, filed 1/23/98, effective 3/1/98.]

WAC 284-43-925 General contents of all filings. Each filing required by WAC 284-43-920 must be submitted with the filing transmittal form prescribed by and available from the commissioner. The form must include the name of the filing entity, its address, identification number, the type of filing being submitted, the form name or group name and number, and other relevant information. Filings also must include the information required on the filing summary set forth in WAC 284-43-945 for small group plans and rate schedules or as set forth in WAC 284-43-950 for group plans and rate schedules other than those for small groups.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-925, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-925, filed 1/23/98, effective 3/1/98.]

WAC 284-43-930 Contents of small group filings.

Under RCW 48.44.023 and 48.46.066 the experience of all small group plans must be pooled. Filings for small group plans must include base rates and annual base rate changes in dollar and percentage amounts for each small group plan. Each small group filing must include the following information and documents:

(1) An actuarially sound estimate of incurred claims. Experience data, assumptions, and justifications of the carrier's projected incurred claims must be provided in a manner consistent with the carrier's rate-making methodology and incorporate the following elements:

(a) A brief description of the carrier's rate-making methodology, including identification of the data used and the kinds of assumptions and projections made.

(b) The number of subscribers by family size, or covered persons for the plans included in the filing. These figures must be shown for each month or quarter of the experience period and the prior two periods if not included in previous filings. This data must be presented in aggregate for the plans included in the filing and in aggregate for all of the carrier's plans.

(c) Earned premium for each month or quarter of the experience period and the prior two periods if not included in previous filings, for the plans included in the filing.

(d) An estimate of the adjusted earned premium for each month or quarter of the experience period and prior two periods for the plans included in the filing.

(e) Claims data for each month or quarter of the experience period and the prior two periods. Examples of claims data are incurred claims, capitation payments, utilization data, unit cost data, and staffing data. The specific data elements included in the filing must be consistent with the carrier's rate-making methodology.

(f) Documentation and justification of any adjustments made to the experience data.

(g) Documentation and justification of the factors and methods used to forecast incurred claims.

(2) An actuarially sound estimate of prudently incurred expenses. Experience data, assumptions, and justifications must be provided by the carrier as follows:

(a) A breakdown of the carrier's expenses allocated or assigned to the plans included in the filing for the experience period or for the period corresponding to the most recent "annual statement";

(i) An expense breakdown at least as detailed as the annual statement schedule "Underwriting and Investment Exhibit, Part 3, Analysis of Expenses" as revised from time to time;

(ii) The allocation and assignment methodology used in (a)(i) of this subsection may be based on readily available data and easily applied calculations;

(b) Identification of any extraordinary experience period expenses; and

(c) Documentation and justification of the assignment or allocation of expenses to the plans included in the filing; and

(d) Documentation and justification of forecasted changes in expenses.

(3) An actuarially sound provision for contribution to surplus, contingency charges, or risk charges. Assumptions and justifications must be provided by the carrier as follows:

(a) The methodology, justification, and calculations used to determine the contribution to surplus, contingency charges, or risk charges included in the proposed base rates; and

(b) The carrier's net worth or reserves and unassigned surplus at the beginning and end of the experience period.

(4) An actuarially sound estimate of forecasted investment earnings on assets related to claim reserves or other similar liabilities. The carrier must include documentation and justification of forecasted investment earnings identified in dollars, and as a percentage of total premiums and the amount credited to the plans included in the filing.

(5) Adjustment of the base rate. Experience data, assumptions, justifications, and methodology descriptions must be provided and must include:

(a) Justifications for adjustments to the base rate, supported by data if appropriate, attributable to geographic region, age, family size and wellness activities;

(b) Justifications, supported by data if appropriate, of any other factors or circumstances used to adjust the base rates; and

(c) Description of the methodology used to adjust the base rate to obtain the premium rate for a specific individual or group, which is detailed enough to allow the commissioner to replicate the calculation of premium rates if given the necessary data.

(6) Actuarial certification. Certification by an actuary, as required by RCW 48.44.023(3) and 48.46.066(3).

(7) The requirements of subsections (1) through (6) of this section may be waived or modified upon the finding by the commissioner that a plan contains or involves unique provisions or circumstances and that the requirements represent an extraordinary administrative burden on the carrier.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-930, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060 and 48.92.140. 98-11-089 (Matter No. R 98-8), § 284-43-930, filed 5/20/98, effective 6/20/98. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-930, filed 1/23/98, effective 3/1/98.]

WAC 284-43-935 Experience records. (1) For each plan, carriers must maintain the following records for five years:

- (a) Incurred claims;
- (b) Earned premiums; and
- (c) Expenses.

(2) Such records must include data for rider and endorsement forms that are used with the contract forms. Separate data may be maintained for each rider or endorsement form as appropriate. For recordkeeping purposes, carriers may combine experience under contract forms that provide substantially similar coverage.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-935, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-935, filed 1/23/98, effective 3/1/98.]

WAC 284-43-940 Evaluating experience data. In determining the credibility and appropriateness of experience

data, consideration will be given to all relevant factors, including:

(1) Statistical credibility of the amount charged and services and benefits paid, such as low exposure, low loss frequency, and recoupment;

(2) Actual and projected trends relative to changes in medical costs and changes in utilization;

(3) The mix of business by risk classification; and

(4) Adverse selection or lapse factors reasonably expected in connection with revisions to plan provisions, services, benefits, and amount charged.

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-940, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-940, filed 1/23/98, effective 3/1/98.]

WAC 284-43-945 Summary for small group contract filings.

SMALL GROUP FILING SUMMARY

Carrier Name	
Address	
Carrier Identification Number	

Rate Renewal Period:	From		To	
Date Submitted:				

Proposed Rate Summary

Current community rate	per month
Proposed community rate	per month
Percentage change	%
Portion of carrier's total enrollment affected	%
Portion of carrier's total premium revenue affected	%

Components of Proposed Community Rate

	Dollars Per Month	% of Total
a) Claims		
b) Expenses		
c) Contribution to surplus, contingency charges, or risk charges		
d) Investment earnings		
e) Total (a + b + c - d)		

Summary of Pooled Experience

	Experience Period From To	First Prior Period From To	Second Prior Period From To
Member Months			
Earned Premium			
Paid Claims			
Beginning Claim Reserve			
Ending Claim Reserve			
Incurred Claims			
Expenses			
Gain/Loss			
Loss Ratio Percentage			

General Information

1. Trend Factor Summary

Type of Service	Annual Trend Assumed	Portion of Claim Dollars
Hospital	%	%
Professional	%	%
Prescription Drugs	%	%
Dental	%	%
Other	%	%

2. List the effective date and the rate of increase for all rate changes in the past three rate periods.

1) _____ 2) _____ 3) _____
 Date % Date % Date %

3. Since the previous filing, have any changes been made to the factors or methodology for adjusting base rates?

Geographic Area ☐ Yes ☐ No
 Family Size ☐ Yes ☐ No
 Age ☐ Yes ☐ No
 Wellness Activities ☐ Yes ☐ No
 Other (specify) ☐ Yes ☐ No

4. Attach a table showing the base rate for each plan affected by this filing.

5. Attach comments or additional information.

6. Preparer's Information

Name: _____

Title: _____

Telephone Number: _____

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-945, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-945, filed 1/23/98, effective 3/1/98.]

WAC 284-43-950 Summary for group contract filings other than small group contract filings.**GROUPS OTHER THAN SMALL GROUPS FILING SUMMARY**

Carrier Name _____	
Address _____	
Contract Holder/Pool Category and Name (Check One Box)	
<input type="checkbox"/> Single Employer Group:	Employer Name: _____
<input type="checkbox"/> Multiemployer other than Association/Trust Groups	Group Pool Name: _____
<input type="checkbox"/> Association/Trust Groups	Association/Trust Group Name: _____
Contract Form Number _____	
Rate Form Number (if different from Contract Form Number) _____	
Product Name _____	

If additional space is required to list the contract/rate form number and product name, attach a separate sheet.

Rate Renewal Period:	From: _____	To: _____
Date Submitted:		
Type of Filing (Check One Box)	<input type="checkbox"/> New Group Contract	<input type="checkbox"/> Revision of Existing Group Contract

Proposed Rate Schedules: Attach a separate sheet to list all proposed tier rates.

Rate Summary

Current Rate (Composite per employee or per member)	\$ _____ per member per month
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Percentage Rate Change	%
New Rate	\$ _____ per member per month
Average Number of Enrollees Each Month During the Experience Period (If the average number of enrollees is equal to or less than fifty, explain why this is not a small group, as defined in RCW 48.43.005.)	
Anticipated Loss Ratio	%
Portion of carrier's total enrollment affected	%
Portion of carrier's total premium revenue affected	%

Summary of Contract Experience

	Experience Period From To	First Prior Period From To	Second Prior Period From To
Member Months			
Billed Premium			
Incurred Claims			
Expenses			
Gain/Loss			
Experience Refund/Credit or Recoupment			
Earned Premium (Billed Premium - /+ Refund/Credit or Recoupment)			
Loss Ratio Percentage			

Attach comments or additional information.

Preparer's Information

Name: _____

Title: _____

Telephone Number: _____

[Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. 05-07-006 (Matter No. R 2004-05), § 284-43-950, filed 3/3/05, effective 4/3/05. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064 and 48.46.066. 98-04-011 (Matter No. R 97-2), § 284-43-950, filed 1/23/98, effective 3/1/98.]

Chapter 284-49 WAC**WASHINGTON BASIC COVERAGE POLICY (SMALL GROUP) INSURANCE REGULATION****WAC**

284-49-010

Reservation of chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-49-020

Supplanting or superseding of existing policies. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-020, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.

284-49-050

Definitions. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-050, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.

284-49-100

Forms—prior approval. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-100, filed 9/4/90,

- effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-115 General contents of form and rate filings. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-115, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-300 Minimum policy requirements. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-300, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-330 Minimum coverage. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-330, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-500 Standards for loss ratios. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-500, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-510 Filing requirements. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-510, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-520 Experience records. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-520, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.
- 284-49-900 Collection of data and reporting. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990

c 187. 90-18-076 (Order 90-10), § 284-49-900, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.

284-49-999 Separability. [Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-999, filed 9/4/90, effective 10/5/90.] Repealed by 05-02-074 (Matter No. R 2004-07), filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.

WAC 284-49-010 Reservation of chapter. Chapter 284-49 WAC is reserved for future small group health regulations.

[Statutory Authority: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200. 05-02-074 (Matter No. R 2004-07), § 284-49-010, filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 48.02.060 [(3)](a), 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d), 48.46.200 and 1990 c 187. 90-18-076 (Order 90-10), § 284-49-010, filed 9/4/90, effective 10/5/90.]

Chapter 284-54 WAC

LONG-TERM CARE INSURANCE RULES

WAC

284-54-750

Standards for education of licensees soliciting long-term care contracts.

WAC 284-54-750 Standards for education of licensees soliciting long-term care contracts. (1) Every issuer shall annually certify to the commissioner that each resident and nonresident licensee involved in the transaction of long-term care insurance has completed an approved LTC special education course every two years in accordance with WAC 284-17-258. Applications may only be accepted if the licensee involved in the transaction meets all of the requirements of WAC 284-17-258.

(2) Beginning with the calendar year 1998, issuers shall file a copy of the following certification report with the commissioner on or before March 31 of each year:

Annual Filing of Compliance with the Long-Term Care and Long-Term Care Partnership Education Requirements of WAC 284-17-258

To be filed with the commissioner on or before March 31 of each year

For the period of January 1 to December 31 of _____ (Year)

Company Name _____

Address _____

Insurance Policies Offered:

Long-Term Care _____ Long-Term Care Partnership _____ Both _____

I hereby certify that all appointed agents involved in the transaction of each long-term care or long-term care partnership policy we issue in Washington have fulfilled the requirements of WAC 284-17-258. I certify that to the best of my knowledge, we did not accept or process any applications that involved the participation of a licensee who was not in compliance with WAC 284-17-258.

Signature of Officer: _____

Date: _____

Name and Title of Officer:

Prepared by:

Phone Number:

Phone Number:

*Return Certification Form to:**Education Manager**Office of the Insurance Commissioner**P.O. Box 40257**Olympia, WA 98504-0257**Fax 360-586-2019*

[Statutory Authority: RCW 48.02.060, 48.17.150, and 48.85.030. 05-09-022 (Matter No. R 2005-01), § 284-54-750, filed 4/12/05, effective 5/13/05; 97-19-007, § 284-54-750, filed 9/4/97, effective 10/5/97.]

Chapter 284-66 WAC

WASHINGTON MEDICARE SUPPLEMENT INSURANCE REGULATION

48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.-200. 92-06-021 (Order R 92-1), § 284-66-077, filed 2/25/92, effective 3/27/92.] Repealed by 05-17-019 (Matter No. R 2004-08), filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060 and 48.66.165.

WAC

284-66-010	Purpose.
284-66-020	Applicability and scope.
284-66-030	Definitions.
284-66-040	Policy definitions and terms.
284-66-050	Policy provisions.
284-66-060	Minimum benefit standards.
284-66-063	Benefit standards for policies or certificates issued or delivered after June 30, 1992.
284-66-066	Standard Medicare supplement benefit plans.
284-66-073	Medicare SELECT policies and certificates.
284-66-080	Outline of coverage required.
284-66-092	Form of "outline of coverage."
284-66-110	Buyer's guide.
284-66-120	Notice regarding policies that are not Medicare supplement policies.
284-66-130	Requirements for application forms and replacement of Medicare supplement insurance coverage.
284-66-135	Disclosure statements to be used with policies that are not Medicare supplement policies.
284-66-142	Form of replacement notice.
284-66-160	Adjustment notice to conform existing Medicare supplement policies to changes in Medicare.
284-66-170	Prohibition against preexisting conditions, waiting periods, elimination periods, and probationary periods in replacement policies or certificates.
284-66-200	Standards for loss ratios.
284-66-203	Loss ratio and rating standards and refund or credit of premium.
284-66-210	Policy reserves required.
284-66-220	Medicare supplement refund calculation form required.
284-66-240	Filing requirements and premium adjustments.
284-66-243	Filing and approval of policies and certificates and premium rates.
284-66-247	Interim rate and form filing requirements for standardized plans H, I and J and prestandardized plans that include outpatient prescription drug benefits.
284-66-250	Filing requirements for out-of-state group policies.
284-66-260	Riders and endorsements.
284-66-270	Standards for claims payment: Compliance with Omnibus Budget Reconciliation Act of 1987.
284-66-300	Requirements for advertising.
284-66-310	Attained age rating prohibited.
284-66-320	Reporting of multiple policies.
284-66-330	Standards for marketing.
284-66-340	Appropriateness of recommended purchase and excessive insurance.
284-66-350	Permitted compensation arrangements.
284-66-400	Chapter not exclusive.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-66-077	Open enrollment. [Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-077, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020,
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WAC 284-66-010 Purpose. The purpose of this chapter is to supplement the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act; to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable simplification and standardization of the coverage, terms, and benefits of Medicare supplement insurance policies and certificates, and to eliminate policy provisions that may duplicate Medicare benefits as the federal Medicare program changes; to facilitate public understanding and comparison of policies and to eliminate provisions contained in policies that may be misleading or confusing; to establish minimum standards for Medicare supplement insurance, an "outline of coverage" and other disclosure requirements; to prohibit the use of certain provisions in Medicare supplemental insurance policies; to define and prohibit certain acts and practices as unfair methods of competition or unfair or deceptive acts or practices; and to establish loss ratio requirements, policy reserves, filing and reporting procedures.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-010, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-010, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.-150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-010, filed 3/20/90, effective 4/20/90.]

WAC 284-66-020 Applicability and scope. (1) Subject to subsection (2) of this section, except as provided by federal law, chapter 48.66 RCW, or as otherwise specifically provided by this chapter, this chapter applies to every group and individual policy of disability insurance and to every subscriber contract of an issuer (other than a policy issued under a contract provided for in section 1876 of the Social Security Act [42 U.S.C. section 1395 et seq.] or an issued policy under a demonstration project specified in 42 U.S.C. section 1395ss (g)(1)), that relates its benefits to Medicare, or is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or sur-

gical expenses of persons eligible for Medicare. All such policies or contracts are referred to in this chapter as "Medicare supplemental insurance" or "Medicare supplement insurance policy" or "Medicare supplement coverage."

(2)(a) Medicare supplement insurance policies delivered before January 1, 1989, that are renewable solely at the option of the insured by the timely payment of premium are subject to the provisions of this chapter except with respect to WAC 284-66-060, 284-66-200, 284-66-210, 284-66-310, and 284-66-350. To the extent that the provisions of this chapter do not apply to these policies, chapter 284-55 WAC applies.

(b) Medicare supplement insurance policies delivered between January 1, 1989, and December 31, 1989, that are renewable solely at the option of the insured by the timely payment of premium are governed by this chapter except with respect to the requirements of WAC 284-66-210 and 284-66-350.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-020, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-020, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-020, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-020, filed 3/20/90, effective 4/20/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-66-030 Definitions. For purposes of this chapter:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement insurance policy, the person who seeks to contract for insurance benefits; and

(b) In the case of a group Medicare supplement insurance policy, the proposed certificate holder.

(2) "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement insurance policy regardless of the situs of the group master policy.

(3) "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

(4) "Issuer" includes insurance companies, fraternal benefit societies, health care service contractors, health maintenance organizations, and any other entity delivering or issuing for delivery Medicare supplement policies or certificates.

(5) "Direct response issuer" means an issuer who, as to a particular transaction, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(6) "Disability insurance" is insurance against bodily injury, disablement or death by accident, against disablement resulting from sickness, and every insurance relating to disability insurance. For purposes of this chapter, disability insurance includes policies or contracts offered by any issuer.

(7) "Health care expense costs," for purposes of WAC 284-66-200(4), means expenses of a health maintenance organization or health care service contractor associated with

the delivery of health care services that are analogous to incurred losses of insurers.

(8) "Policy" includes agreements or contracts issued by any issuer.

(9) "Policy form" means the form on which the policy is delivered or issued for delivery by the issuer.

(10) "Premium" means all sums charged, received, or deposited as consideration for a Medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service, or other similar fee or charge made by the issuer in consideration for the policy is deemed part of the premium. "Earned premium" means the "premium" applicable to an accounting period whether received before, during or after that period.

(11) "Replacement" means any transaction where new Medicare supplement coverage is to be purchased, and it is known or should be known to the proposing agent or other representative of the issuer, or to the proposing issuer if there is no agent, that by reason of the transaction, existing Medicare supplement coverage has been or is to be lapsed, surrendered or otherwise terminated.

(12) "Secretary" means the Secretary of the United States Department of Health and Human Services.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-030, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-030, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-030, filed 3/20/90, effective 4/20/90.]

WAC 284-66-040 Policy definitions and terms. No policy or certificate may be advertised, solicited, issued for delivery in this state as a Medicare supplement insurance policy or certificate unless the policy or certificate contains definitions or terms that conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" must be defined to employ "result" language and may not include words that establish an accidental means test or use words such as "external, violent, visible wounds" or similar words or description or characterization.

(a) The definition may not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person that is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) The definition may provide that injuries do not include those injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

(2) "Benefit period" or "Medicare benefit period" may not be defined more restrictively than as defined in the Medicare program.

(3) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" may not be defined more restrictively than as defined in the Medicare program.

(4) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Health Care Organizations, but not more restrictively than as defined in the Medicare program.

(5) "Medicare" must be defined in the policy and certificate as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then constituted or later amended."

(6) "Medicare eligible expenses" means expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

(7) "Physician" may not be defined more restrictively than as defined in the Medicare program.

(8) "Sickness" may not be defined to be more restrictive than the following: "Sickness means illness or disease of an insured person that first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-040, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-040, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-040, filed 3/20/90, effective 4/20/90.]

WAC 284-66-050 Policy provisions. (1) No policy may be advertised, solicited, or issued for delivery in this state as a Medicare supplement insurance policy unless it meets or exceeds the requirements imposed by chapter 48.66 RCW.

(2) A Medicare supplement policy or certificate in force in this state may not contain benefits that duplicate benefits provided by Medicare.

(3) Except for permitted preexisting condition clauses as described in WAC 284-66-063 (1)(a) no policy or certificate may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

(4) The terms "Medicare supplement," "Medicare wrap-around," "Medigap," or words of similar import may not be used to describe an insurance policy unless the policy is issued in compliance with chapter 48.66 RCW and this chapter.

(5) Subject to WAC 284-66-063 (1)(c), a Medicare supplement policy with benefits for outpatient prescription drugs in existence before January 1, 2006, must be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

(6) A Medicare supplement policy with benefits for outpatient prescription drugs may not be issued after December 31, 2005.

(7) After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs may not

be renewed after the policyholder enrolls in Medicare Part D unless:

(a) The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual's coverage under a Part D plan; and

(b) Premiums are adjusted to reflect the elimination of outpatient prescription drug coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-050, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-050, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-050, filed 3/20/90, effective 4/20/90.]

WAC 284-66-060 Minimum benefit standards. The requirements of this section apply to Medicare supplement policies and certificates issued or issued for delivery in this state during the period beginning January 1, 1990, and ending June 30, 1992, as well as all guaranteed renewable Medicare supplement policies delivered to residents of this state during 1989 that were modified to meet the minimum benefit standards of this section under the Medicare Catastrophic Coverage Act. Minimum standards for "standardized" policies and certificates are provided in WAC 284-66-063.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional three hundred sixty-five days;

(5) Coverage under Medicare Part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

(6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible;

(7) Coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-060, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-060, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-060, filed 3/20/90, effective 4/20/90.]

WAC 284-66-063 Benefit standards for policies or certificates issued or delivered after June 30, 1992. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) A Medicare supplement policy or certificate may not exclude or limit benefits for losses incurred more than three months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within three months before the effective date of coverage.

(b) A Medicare supplement policy or certificate may not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(c) Each Medicare supplement policy must be guaranteed renewable and:

(i) The issuer may not cancel or nonrenew the policy solely on the ground of health status of the individual; and

(ii) The issuer may not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

(iii) If the Medicare supplement policy is terminated by the group policy holder and is not replaced as provided under (c)(v) of this subsection, the issuer must offer certificateholders an individual Medicare supplement policy that (at the option of the certificateholder) provides for continuation of the benefits contained in the group policy, or provides for benefits that otherwise meet the requirements of this subsection.

(iv) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer must offer the certificateholder the conversion opportunity described in (c)(iii) of this subsection, or at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(v) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy must offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy may not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(d) Termination of a Medicare supplement policy or certificate must be without prejudice to any continuous loss that began while the policy was in force, but the extension of benefits beyond the period that the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(e) If a Medicare supplement policy or certificate eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug Improvement and Modernization Act of 2003, the modified policy or certificate is deemed to satisfy the guaranteed renewal requirements of this section.

(f)(i) A Medicare supplement policy or certificate must provide that benefits and premiums under the policy or certificate be suspended at the request of the policyholder or certificateholder for the period (not to exceed twenty-four months) that the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within ninety days after the date the individual becomes entitled to the assistance.

(ii) If the suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate must be automatically reinstituted effective as of the date of termination of the entitlement if the policyholder or certificateholder provides notice of loss of the entitlement within ninety days after the date of the loss and pays the premium attributable to the period.

(iii) Each Medicare supplement policy must provide that benefits and premiums under the policy will be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226(b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy must be automatically reinstituted (effective as of the date of loss of coverage within ninety days after the date of the loss).

(g) Reinstitution of the coverages;

(i) May not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) Must provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of the suspension. If the suspended Medicare Supplement policy or certificate provided coverage for outpatient prescription drugs, reinstitution of the policy for Medicare Part D enrollees must be without coverage for outpatient prescription drugs and must otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension; and

(iii) Must provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

(2) Standards for basic ("core") benefits common to benefit plans A-J. Every issuer must make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare supplement insurance benefit plans in addition to the basic "core" package, but not in place of the basic "core" package.

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first day through the ninetieth day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

(c) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of one hundred percent of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional three hundred sixty-five days. The provider must accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood (or equivalent quantities of packaged red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

(e) Coverage for the coinsurance amount, or in the case of hospital; outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible;

(3) Standards for additional benefits. The following additional benefits must be included in Medicare supplement benefit plans "B" through "J" only as provided by WAC 284-66-066.

(a) Medicare Part A deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

(b) Skilled nursing facility care: Coverage for the actual billed charges up to the coinsurance amount from the twenty-first day through the one hundredth day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A;

(c) Medicare Part B deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(d) Eighty percent of the Medicare Part B excess charges: Coverage for eighty percent of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(e) One hundred percent of the Medicare Part B excess charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(f) Basic outpatient prescription drug benefit: Coverage for fifty percent of outpatient prescription drug charges, after a two hundred fifty dollar calendar year deductible, to a maximum of one thousand two hundred fifty dollars in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may not be included for sale or issuance in a Medicare supplement policy after December 31, 2005.

(g) Extended outpatient prescription drug benefit: Coverage for fifty percent of outpatient prescription drug charges, after a two hundred fifty dollar calendar year deductible to a maximum of three thousand dollars in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may not be included for sale or issuance in a Medicare supplement policy after December 31, 2005.

(h) Medically necessary emergency care in a foreign country: Coverage to the extent not covered by Medicare for eighty percent of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician, and medical care received in a foreign country, that would have been covered by Medicare if provided in the United States and that began during the first sixty consecutive days of each trip outside the United States, subject to a calendar year deductible of two hundred fifty dollars, and a lifetime maximum benefit of fifty thousand dollars. For purposes of this benefit, "emergency care" means care needed immediately because of an injury or an illness of sudden and unexpected onset.

(i) Preventive medical care benefit: Coverage for the following preventive health services not covered by Medicare:

(i) An annual clinical preventive medical history and physical examination that may include tests and services from (ii) of this subsection and patient education to address preventive health care measures.

(ii) Preventive screening tests or preventive services, the selection and frequency that is determined to be medically appropriate by the attending physician.

Reimbursement must be for the actual charges up to one hundred percent of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in *American Medical Association Current Procedural Terminology (AMA CPT)* codes, to a maximum of one hundred twenty dollars annually under this benefit. This benefit may not include payment for any procedure covered by Medicare.

(j) At-home recovery benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury, or surgery.

(i) For purposes of this benefit, the following definitions apply:

(A) "Activities of daily living" include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

(B) "Care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide, or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

(C) "Home" means any place used by the insured as a place of residence, provided that the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility is not considered the insured's place of residence.

(D) "At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four hours in a twenty-four hour period of services provided by a care provider is one visit.

(ii) Coverage requirements and limitations.

(A) At-home recovery services provided must be primarily services that assist in activities of daily living.

(B) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(C) Coverage is limited to:

(I) No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits may not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment.

(II) The actual charges for each visit up to a maximum reimbursement of forty dollars per visit.

(III) One thousand six hundred dollars per calendar year.

(IV) Seven visits in any one week.

(V) Care furnished on a visiting basis in the insured's home.

(VI) Services provided by a care provider as defined in this section.

(VII) At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

(VIII) At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight weeks after the service date of the last Medicare approved home health care visit.

(iii) Coverage is excluded for: Home care visits paid for by Medicare or other government programs; and care provided by family members, unpaid volunteers, or providers who are not care providers.

(3) Standardized Medicare supplement benefit plan "K" must consist of the following:

(a) Coverage of one hundred percent of the Part A hospital coinsurance amount for each day used from the sixty-first through the ninetieth day in any Medicare benefit period;

(b) Coverage of one hundred percent of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the ninety-first through the one hundred fiftieth day in any Medicare benefit period;

(c) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional three hundred sixty-five days. The provider must accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Medicare Part A deductible: Coverage for fifty percent of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in (j) of this subsection;

(e) Skilled nursing facility care: Coverage for fifty percent of the coinsurance amount for each day used from the twenty-first day through the one hundredth day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in (j) of this subsection;

(f) Hospice care: Coverage for fifty percent of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in (j) of this subsection;

(g) Coverage for fifty percent, under Medicare Part A or B, of the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulation) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in (j) of this subsection;

(h) Except for coverage provided in (i) of this subsection, coverage for fifty percent of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in (j) of this subsection;

(i) Coverage of one hundred percent of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

(j) Coverage of one hundred percent of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of four thousand dollars in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(4) Standardized Medicare supplement benefit plan "L" must consist of the following:

(a) The benefits described in subsection (3)(a),(b),(c) and (i) of this section;

(b) The benefit described in subsection (3)(d),(e),(f) and (h) of this section but substituting seventy-five percent for fifty percent; and

(c) The benefit described in subsection (3)(j) of this section but substituting two thousand dollars for four thousand dollars.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-063, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-063, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-063, filed 2/25/92, effective 3/27/92.]

WAC 284-66-066 Standard Medicare supplement benefit plans. (1) An issuer must make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic "core" benefits, as defined in WAC 284-66-063(2) of this regulation.

(2) No groups, packages, or combinations of Medicare supplement benefits other than those listed in this section may be offered for sale in this state, except as permitted in WAC 284-66-066(7) and in WAC 284-66-073.

(3) Benefit plans must be uniform in structure, language, designation, and format to the standard benefit plans "A" through "L" listed in this subsection and conform to the definitions in WAC 284-66-030 and 284-66-040. Each benefit must be structured according to the format provided in WAC 284-66-063(2), (3) or (4) and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement, and overall content of benefit.

(4) An issuer may use, in addition to the benefit plan designations required in subsection (3) of this section, other designations to the extent permitted by law.

(5) Make-up of benefit plans:

(a) Standardized Medicare supplement benefit plan "A" must be limited to only the basic ("core") benefits common to all benefit plans, as defined in WAC 284-66-063(2).

(b) Standardized Medicare supplement benefit plan "B" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible as defined in WAC 284-66-063 (3)(a).

(c) Standardized Medicare supplement benefit plan "C" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in WAC 284-66-063 (3)(a), (b), (c), and (h), respectively.

(d) Standardized Medicare supplement plan "D" consists of only the following: The core benefit, as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and the at-home recovery benefit as defined in WAC 284-66-063 (3)(a), (b), (h), and (j), respectively.

(e) Standardized Medicare supplement benefit plan "E" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined in WAC 284-66-063 (3)(a), (b), (h), and (i), respectively.

(f) Standardized Medicare supplement benefit plan "F" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, one hundred percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in WAC 284-66-063 (3)(a), (b), (c), (e), and (h), respectively.

(g) Standardized Medicare supplement benefit high deductible plan "F" consists of only the following: One hundred percent of covered expenses following the payment of the annual high deductible plan "F" deductible. The covered expenses include the core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, one hundred percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in WAC 284-66-063 (3)(a), (b), (c), (e) and (h) respectively. The annual high deductible plan "F" deductible must consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and

must be in addition to any other specific benefit deductibles. The annual high deductible plan "F" deductible is one thousand seven hundred thirty dollars for 2005, and is based on the calendar year. The deductible will be adjusted annually by the secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars.

(h) Standardized Medicare supplement benefit plan "G" consists of only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, eighty percent of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in WAC 284-66-063 (3)(a), (b), (d), (h), and (j), respectively.

(i) Standardized Medicare supplement benefit plan "H" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit, and medically necessary emergency care in a foreign country as defined in WAC 284-66-063 (3)(a), (b), (f), and (h), respectively. The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(j) Standardized Medicare supplement benefit plan "I" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, one hundred percent of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country, and at-home recovery benefit as defined in WAC 284-66-063 (3)(a), (b), (e), (f), (h), and (j), respectively. The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(k) Standardized Medicare supplement benefit plan "J" consists of only the following: The core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care, and at-home recovery benefit as defined in WAC 284-66-063 (3)(a), (b), (c), (e), (g), (h), (i), and (j), respectively. The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(l) Standardized Medicare supplement benefit high deductible plan "J" consists of only the following: One hundred percent of covered expenses following the payment of the annual high deductible plan "J" deductible. The covered expenses include the core benefit as defined in WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventative medical care benefit and at-home recovery benefit as defined in WAC 284-66-063 (3)(a), (b), (c), (e), (g), (h), (i) and (j) respectively. The annual high deductible plan "J" deductible must consist of out-of-pocket expenses, other than premiums, for services

covered by the Medicare supplement plan "J" policy, and must be in addition to any other specific benefit deductibles. The annual deductible is one thousand seven hundred thirty dollars for 2005, and is based on the calendar year. The deductible will be adjusted annually by the secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars. The outpatient prescription drug benefit may not be included in a Medicare supplement policy sold after December 31, 2005.

(6) Make-up of two Medicare supplement plans mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA):

(a) Standardized Medicare supplement benefit plan "K" consists of only those benefits described in WAC 284-66-063(3).

(b) Standardized Medicare supplement benefit plan "L" consists of only those benefits described in WAC 284-66-063(4).

(7) New or innovative benefits: An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefits may not include an outpatient prescription drug benefit.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-066, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060. 92-17-078 (Order R 92-7), § 284-66-066, filed 8/19/92, effective 9/19/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-066, filed 2/25/92, effective 3/27/92.]

WAC 284-66-073 Medicare SELECT policies and certificates. (1)(a) This section applies to Medicare SELECT policies and certificates, as defined in this section.

(b) No policy or certificate may be advertised as a Medicare SELECT policy or certificate unless it meets the requirements of this section.

(2) For the purposes of this section:

(a) "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare SELECT issuer or its network providers.

(b) "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare SELECT policy or certificate with the administration, claims practices, or provision of services concerning a Medicare SELECT issuer or its network providers.

(c) "Medicare SELECT issuer" means an issuer offering, or seeking to offer, a Medicare SELECT policy or certificate.

(d) "Medicare SELECT policy" or "Medicare SELECT certificate" means respectively a Medicare supplement policy or certificate that contains restricted network provisions.

(e) "Network provider" means a provider of health care, or a group of providers of health care, that has entered into a

written agreement with the issuer to provide benefits insured under a Medicare SELECT policy.

(f) "Restricted network provision" means any provision that conditions the payment of benefits, in whole or in part, on the use of network providers.

(g) "Service area" means the geographic area approved by the commissioner where an issuer is authorized to offer a Medicare SELECT policy.

(3) The commissioner may authorize an issuer to offer a Medicare SELECT policy or certificate, under this section and section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the commissioner finds that the issuer has satisfied all of the requirements of this regulation.

(4) A Medicare SELECT issuer may not issue a Medicare SELECT policy or certificate in this state until its plan of operation has been approved by the commissioner.

(5) A Medicare SELECT issuer must file a proposed plan of operation with the commissioner in a format prescribed by the commissioner. The plan of operation must contain at least the following information:

(a) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

(i) The services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care must reflect usual practice in the local area. Geographic availability must reflect the usual travel times within the community.

(ii) The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

(A) To deliver adequately all services that are subject to a restricted network provision; or

(B) To make appropriate referrals.

(iii) There are written agreements with network providers describing specific responsibilities.

(iv) Emergency care is available twenty-four hours per day and seven days per week.

(v) In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare SELECT policy or certificate. This paragraph does not apply to supplemental charges or coinsurance amounts as stated in the Medicare SELECT policy or certificate.

(b) A statement or map providing a clear description of the service area.

(c) A description of the grievance procedure to be used.

(d) A description of the quality assurance program, including:

(i) The formal organizational structure;

(ii) The written criteria for selection, retention, and removal of network providers; and

(iii) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

(e) A list and description, by specialty, of the network providers.

(f) Copies of the written information proposed to be used by the issuer to comply with subsection (9) of this section.

(g) Any other information requested by the commissioner.

(6)(a) A Medicare SELECT issuer must file any proposed changes to the plan of operation, except for changes to the list of network providers, with the commissioner before implementing the changes. The changes will be considered approved by the commissioner after thirty days unless specifically disapproved.

(b) An updated list of network providers must be filed with the commissioner at least quarterly.

(7) A Medicare SELECT policy or certificate may not restrict payment for covered services provided by nonnetwork providers if:

(a) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury, or a condition; and

(b) It is not reasonable to obtain the services through a network provider.

(8) A Medicare SELECT policy or certificate must provide payment for full coverage under the policy for covered services that are not available through network providers.

(9) A Medicare SELECT issuer must make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare SELECT policy or certificate to each applicant. This disclosure must include at least the following:

(a) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare SELECT policy or certificate with:

(i) Other Medicare supplement policies or certificates offered by the issuer; and

(ii) Other Medicare SELECT policies or certificates.

(b) A description (including address, phone number, and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals, and other providers. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-network providers do not count toward the out-of-pocket annual limit contained in plans K and L.

(c) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are used.

(d) A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

(e) A description of limitations on referrals to restricted network providers and to other providers.

(f) A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

(g) A description of the Medicare SELECT issuer's quality assurance program and grievance procedure.

(10) Before the sale of a Medicare SELECT policy or certificate, a Medicare SELECT issuer must obtain from the applicant a signed and dated form stating that the applicant has received the information provided under subsection (9) of this section and that the applicant understands the restrictions of the Medicare SELECT policy or certificate.

(11) A Medicare SELECT issuer must have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures must be aimed at

mutual agreement for settlement and may include arbitration procedures.

(a) The grievance procedure must be described in the policy and certificates and in the outline of coverage.

(b) At the time the policy or certificate is issued, the issuer must provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

(c) Grievances must be considered in a timely manner and must be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

(d) If a grievance is found to be valid, corrective action must be taken promptly.

(e) All concerned parties must be notified about the results of a grievance.

(f) The issuer must report no later than each March 31st to the commissioner regarding its grievance procedure. The report must be in a format prescribed by the commissioner and must contain the number of grievances filed in the past year and a summary of the subject, nature, and resolution of the grievances.

(12) At the time of initial purchase, a Medicare SELECT issuer must make available to each applicant for a Medicare SELECT policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

(13)(a) At the request of an individual insured under a Medicare SELECT policy or certificate, a Medicare SELECT issuer must make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer that has comparable or lesser benefits and does not contain a restricted network provision. The issuer must make the policies or certificates available without requiring evidence of insurability after the Medicare supplement policy or certificate has been in force for three months.

(b) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare SELECT policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services, or coverage for Part B excess charges.

(14) Medicare SELECT policies and certificates must provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare SELECT policies and certificates issued under this section should be discontinued due to either the failure of the Medicare SELECT program to be reauthorized under law or its substantial amendment.

(a) Each Medicare SELECT issuer must make available to each individual insured under a Medicare SELECT policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer that has comparable or lesser benefits and does not contain a restricted network provision. The issuer must make the policies and certificates available without requiring evidence of insurability.

(b) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have com-

parable or lesser benefits unless it contains one or more significant benefits not included in the Medicare SELECT policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services, or coverage for Part B excess charges.

(15) A Medicare SELECT issuer must comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare SELECT program.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-073, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-073, filed 2/25/92, effective 3/27/92.]

WAC 284-66-080 Outline of coverage required. (1)

Issuers must provide an outline of coverage to all applicants at the time an application is presented to the prospective applicant and, except for direct response policies and certificates, must obtain an acknowledgement of receipt of the outline from the applicant.

(2) The "outline of coverage," must be completed in substantially the form set forth in WAC 284-66-092. The form of outline of coverage must be filed with the commissioner before being used in this state.

(3) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis that would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate must accompany the policy or certificate

when it is delivered and contain the following statement, in no less than twelve point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(4) The outline of coverage provided to applicants set forth in this section consists of four parts: A cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage must be in the language and format prescribed in WAC 284-66-092 in no less than twelve point type. All plans A-L must be shown on the cover page, and the plan(s) that are offered by the issuer must be prominently identified. Premium information for plans that are offered must be shown on the cover page or immediately following the cover page and must be prominently displayed. The premium and mode must be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant must be illustrated.

(5) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor, or health maintenance organization must substitute appropriate terminology.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-080, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-080, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-080, filed 3/20/90, effective 4/20/90.]

WAC 284-66-092 Form of "outline of coverage." (1) Cover page.

[COMPANY NAME]
Outline of Medicare Supplement Coverage-Cover Page:
Benefit Plan(s)____[insert letter(s) of plan(s) being offered]

See Outlines of Coverage sections for details about ALL plans

These charts show the benefits included in each of the standard Medicare supplement plans. Every company must make available Plan "A". Some plans may not be available in your state.

Basic Benefits for Plans A-J
Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.
Medical Expenses: Part B coinsurance (generally 20% of Medicare-approved expenses) or copayments for hospital outpatient services.
Blood: First three pints of blood each year.

A	B	C	D	E	F/F*	G	H	I	J*
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible				Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)

A	B	C	D	E	F/F*	G	H	I	J*
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At-Home Recovery			At-Home Recovery		At-Home Recovery	At-Home Recovery
				Preventive Care NOT covered by Medicare					Preventive Care NOT covered by Medicare

*Plans F and J also have an option called a high deductible plan F and a high deductible plan J. These high deductible plans pay the same benefits as plans F and J after one has paid a calendar year [\$] deductible. Benefits from high deductible plans F and J will not begin until out-of-pocket expenses exceed [\$]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but do not include the plan's separate foreign travel emergency deductible.

[Company Name] does not offer the [high deductible plan F] [high deductible plan J] [high deductible plan F or J].

[COMPANY NAME]

Outline of Medicare Supplement Coverage-Cover Page 2

Basic Benefits for plans K and L include similar services as plans A-J, but cost-sharing for the basic benefits is at different levels.

J	K**	L**
Basic Benefits	100% of Part A Hospitalization Coinsurance plus coverage for 365 Days after Medicare Benefits End 50% Hospice cost-sharing 50% of Medicare-eligible expenses for the first three pints of blood 50% Part B Coinsurance, except 100% Coinsurance for Part B Preventative Services	100% of Part A Hospitalization Coinsurance plus coverage for 365 Days after Medicare Benefits End 75% Hospice cost-sharing 75% of Medicare-eligible expenses for the first three pints of blood 75% Part B Coinsurance, except 100% Coinsurance for Part B Preventative Services
Skilled Nursing Coinsurance	50% Skilled Nursing Facility Coinsurance	75% Skilled Nursing Facility Coinsurance
Part A Deductible	50% Part A Deductible	75% Part A Deductible
Part B Deductible		
Part B Excess (100%)		
Foreign Travel Emergency		
At-Home Recovery		
Preventative Care NOT covered by Medicare		
	[\$] Out-of-Pocket Annual Limit***	[\$] Out-of-Pocket Annual Limit***

**Plan K and L provide for different cost-sharing for items and services A-J.

Once you reach the annual limit, the plan pays 100% of the Medicare copayments, coinsurance, and deductibles for the rest of calendar year. The out-of-pocket annual limit does NOT include charges from your provider that exceed Medicare-approved amounts, called "Excess Charges." You will be responsible for paying excess charges.

***The out-of-pocket annual limit will increase each year for inflation.
See Outlines of Coverage for details and exceptions.

(2) Disclosure page(s):

PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this state.

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must

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read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within thirty days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult *Medicare and You* for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your

medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts as noted in WAC 284-66-066(4).]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

(3) Charts displaying the feature of each benefit plan offered by the issuer:

PLAN A

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$0 \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$[] (Part A deductible) \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	 All approved amounts All but \$[]/day \$0	 \$0 \$0 \$0	 \$0 Up to \$[] a day All costs
BLOOD First 3 pints	\$0	3 pints	\$0

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN A

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$[] (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN A

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$[] (Part B deductible) \$0
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PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 \$0 \$0	\$0 Up to \$[] a day All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 Generally 80%	\$0 Generally 20%	\$[] (Part B deductible) \$0

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
Part B excess charges (Above Medicare approved amounts)	\$0	\$0	All costs
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$[] of Medicare approved amounts*	\$0	\$0	\$[] (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN B

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- - - Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- - - Durable medical equipment			
First \$[] of Medicare approved amounts*	\$0	\$0	\$[] (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0

PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[]	\$[] (Part A deductible)	\$0
61st thru 90th day	All but \$[] a day	\$[] a day	\$0
91st day and after:			
- - - While using 60 lifetime reserve days	All but \$[] a day	\$[] a day	\$0
- - - Once lifetime reserve days are used:			
- - - Additional 365 days	\$0	100% of Medicare eligible expenses	\$0**
- - - Beyond the additional 365 days	\$0	\$0	All costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[]/day	Up to \$[] a day	\$0
101st day and after	\$0	\$0	All costs
BLOOD			
First 3 pints	\$0	3 pints	\$0

Medicare Supplement Insurance

284-66-092

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$[] (Part B deductible) Generally 20% \$0	\$0 \$0 All costs
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$[] (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN C

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$[] (Part B deductible) 20%	\$0 \$0 \$0
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PLAN C (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN D

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$[] (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN D

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan - - - Benefit for each visit - - - Number of visits covered (must be received within 8 weeks of last Medicare approved visit) - - - Calendar year maximum	100% \$0 80% \$0 \$0 \$0	\$0 \$0 20% Actual charges to \$40 a visit Up to the number of Medicare approved visits, not to exceed 7 each week \$1,600	\$0 E \$[] (Part B deductible) \$0 Balance

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's require- ments, including having been in a hos- pital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsur- ance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN E

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$[] (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN E

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$[] (Part B deductible) \$0
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PLAN E (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
***PREVENTIVE MEDICARE CARE BENEFIT - NOT COVERED BY MEDICARE Some annual physical and preventive tests and services administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$0 \$0	\$120 \$0	\$0 All costs

***Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

[PLAN F] [HIGH DEDUCTIBLE PLAN F]

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan F after one has paid a calendar year \$[] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are \$[]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0*** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

***NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Medicare Supplement Insurance

284-66-092

[PLAN F] [HIGH DEDUCTIBLE PLAN F]

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as plan F after one has paid a calendar year \$[] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are \$[]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[] DEDUCTIBLE, **] PLAN PAYS	[IN ADDITION TO \$[] DEDUCTIBLE, **] YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$[] (Part B deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$[] (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

[PLAN F] [HIGH DEDUCTIBLE PLAN F]

PARTS A & B

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[] DEDUCTIBLE, **] PLAN PAYS	[IN ADDITION TO \$[] DEDUCTIBLE, **] YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$[] (Part B deductible) 20%	\$0 \$0 \$0

PLAN F (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[] DEDUCTIBLE, **] PLAN PAYS	[IN ADDITION TO \$[] DEDUCTIBLE, **] YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	 All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	 \$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	 \$0 \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	 All approved amounts All but \$[]/day \$0	 \$0 Up to \$[] a day \$0	 \$0 \$0 All costs
BLOOD First 3 pints Additional amounts	 \$0 100%	 3 pints \$0	 \$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN G (continued)

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 80%	\$[] (Part B deductible) \$0 20%
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN G (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan - - - Benefit for each visit - - - Number of visits covered (must be received within 8 weeks of last Medicare approved visit) - - - Calendar year maximum	100% \$0 80% \$0 \$0 \$0	\$0 \$0 20% Actual charges to \$40 a visit Up to the number of Medicare approved visits, not to exceed 7 each week \$1,600	\$0 \$[] (Part B deductible) \$0 Balance

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Medicare Supplement Insurance

284-66-092

PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 100%	\$[] (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN H

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$[] (Part B deductible) \$0
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PLAN H (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts*	\$0	\$0	\$[] (Part B deductible)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
Remainder of Medicare approved amounts	Generally 80%	Generally 20%	\$0
Part B excess charges (Above Medicare approved amounts)	\$0	100%	\$0
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$[] of Medicare approved amounts*	\$0	\$0	\$[] (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN I (continued)

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- - - Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- - - Durable medical equipment			
First \$[] of Medicare approved amounts*	\$0	\$0	\$[] (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES—NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan			
- - - Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
- - - Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
- - - Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges*	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

[PLAN J] [HIGH DEDUCTIBLE PLAN J]

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as plan J after one has paid a calendar year \$[] deductible. Benefits from high deductible plan J will not begin until out-of-pocket expenses are \$[]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Parts A and B, but does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0*** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

*****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

[PLAN J] [HIGH DEDUCTIBLE PLAN J]

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as plan J after one has paid a calendar year \$[] deductible. Benefits from high deductible plan J will not begin until out-of-pocket expenses are \$[]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and B, but does not include the plan's separate foreign travel emergency deductible]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[] DEDUCTIBLE,**] YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$[] (Part B deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$[] of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$[] (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

[PLAN J] [HIGH DEDUCTIBLE PLAN J] (continued)

PARTS A & B

SERVICE	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts* Remainder of Medicare approved amounts AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan - - - Benefit for each visit - - - Number of visits covered (must be received within 8 weeks of last Medicare approved visit) - - - Calendar year maximum	100% \$0 80% \$0 \$0	\$0 \$[] (Part B deductible) 20% Actual charges to \$40 a visit Up to the number of Medicare approved visits, not to exceed 7 each week \$1,600	\$0 \$0 \$0 Balance

[PLAN J] [HIGH DEDUCTIBLE PLAN J]

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum
***PREVENTIVE MEDICAL CARE BENEFIT - NOT COVERED BY MEDICARE Some annual physical and preventive tests and services administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year	\$0	\$120	\$0
Additional charges	\$0	\$0	All costs

***Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

PLAN K

*You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

**A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - - - While using 60 lifetime reserve days - - - Once lifetime reserve days are used: - - - Additional 365 days - - - Beyond the additional 365 days	All but \$[] All but \$[] a day All but \$[] a day \$0 \$0	\$[] (50% of Part A deductible) \$[] a day \$[] a day 100% of Medicare eligible expenses \$0	\$[] (50% of Part A deductible)♦ \$0 \$0 \$0*** All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[]/day \$0	\$0 Up to \$[] a day \$0	\$0 Up to \$[] a day♦ All costs

Medicare Supplement Insurance

284-66-092

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
BLOOD First 3 pints Additional amounts	\$0 100%	50% \$0	50%◆ \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for outpatient drugs and inpatient respite care	50% of coinsurance or copayments	50% of coinsurance or copayments◆

*****NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN K

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

***Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts****	\$0	\$0	\$[] (Part B deductible)****◆ All costs above Medicare approved amounts
Preventative Benefits for Medicare covered services Remainder of Medicare approved amounts	Generally 75% or more of Medicare approved amounts Generally 80%	Remainder of Medicare approved amounts Generally 10%	 Generally 10%◆ All costs (and they do not count toward annual out-of-pocket limit of \$[])*
Part B excess charges (Above Medicare approved amounts)	\$0	\$0	\$[]*
BLOOD First 3 pints Next \$[] of Medicare approved amounts**** Remainder of Medicare approved amounts	\$0 \$0 Generally 80%	50% \$0 Generally 10%	50%◆ \$[] (Part B deductible)****◆ Generally 10%◆
CLINICAL LABORATORY SERVICES —TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

*This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[4000] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

PLAN K (continued)

PARTS A & B

SERVICE	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- - - Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- - - Durable medical equipment			
First \$[] of Medicare approved amounts*****	\$0	\$0	\$[] (Part B deductible)♦
Remainder of Medicare approved amounts	80%	10%	10%♦

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

PLAN L

*You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

**A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION*** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[]	\$[] (75% of Part A deductible)	\$[] (25% of Part A deductible)♦
61st thru 90th day	All but \$[] a day	\$[] a day	\$0
91st day and after:			
- - - While using 60 lifetime reserve days	All but \$[] a day	\$[] a day	\$0
- - - Once lifetime reserve days are used:			
- - - Additional 365 days	\$0	100% of Medicare eligible expenses	\$0***
- - - Beyond the additional 365 days	\$0	\$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[]/day	Up to \$[] a day	Up to \$[] a day♦
101st day and after	\$0	\$0	All costs
BLOOD First 3 pints	\$0	75%	25%♦
Additional amounts	100%	\$0	\$0

Medicare Supplement Insurance

284-66-092

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for outpatient drugs and inpatient respite care	75% of coinsurance or copayments	75% of coinsurance or copayments♦

***NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN L

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY *
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[] of Medicare approved amounts***	\$0	\$0	\$[] (Part B deductible)****♦ All costs above Medicare approved amounts
Preventative Benefits for Medicare covered services Remainder of Medicare approved amounts	Generally 75% or more of Medicare approved amounts Generally 80%	Remainder of Medicare approved amounts Generally 15%	Generally 5%♦ All costs (and they do not count toward annual out-of-pocket limit of \$[])*
Part B excess charges (Above Medicare approved amounts)	\$0	\$0	
BLOOD First 3 pints Next \$[] of Medicare approved amounts**** Remainder of Medicare approved amounts	\$0 \$0 Generally 80%	75% \$0 Generally 15%	25%♦ \$[] (Part B deductible)****♦ Generally 5%♦
CLINICAL LABORATORY SERVICES— TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

*This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

PLAN L (continued)

PARTS A & B

SERVICE	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES - - - Medically necessary skilled care services and medical supplies - - - Durable medical equipment First \$[] of Medicare approved amounts***** Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 15%	\$0 \$[] (Part B deductible)♦ 5%♦

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-092, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 92-17-078 (Order R 92-7), § 284-66-092, filed 8/19/92, effective 9/19/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-092, filed 2/25/92, effective 3/27/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-66-110 Buyer's guide. (1) Issuers of disability insurance policies or certificates that provide hospital or medical expense coverage on an expense incurred or indemnity basis to persons eligible for Medicare must provide to all such applicants the pamphlet "Guide to Health Insurance for People with Medicare," developed jointly by the National Association of Insurance Commissioners and the Centers for Medicare and Medicaid Services, (CMS), or any reproduction or official revision of that pamphlet. The guide must be printed in a style and with a type character that is easily read by an average person eligible for Medicare supplement insurance and in no case may the type size be smaller than 12-point type. (Specimen copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.)

(2) Delivery of the guide must be made whether or not the policies or certificates are advertised, solicited, or issued as Medicare supplement insurance policies or certificates.

(3) Except in the case of a direct response issuers, delivery of the guide must be made to the applicant at the time of application and acknowledgement of receipt of the guide must be obtained by the issuer. Direct response issuers must deliver the guide to the applicant upon request but not later than at the time the policy is delivered.

(4) The guide must be reproduced in a form that is substantially identical in language, format, type size, type proportional spacing, bold character, and line spacing to the guide developed jointly by the National Association of Insurance Commissioners and CMS.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-110, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-110, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-110, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-110, filed 3/20/90, effective 4/20/90.]

WAC 284-66-120 Notice regarding policies that are not Medicare supplement policies. Any disability insurance policy or certificate (other than a Medicare supplement policy or certificate or a policy issued according to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et seq.)), disability income protection policy or other policy identified in RCW 48.66.020(1), whether issued on an individual or group basis, that purports to provide coverage to residents of this state eligible for Medicare, must notify policyholders or certificate holders that the policy is not a Medicare supplement insurance policy or certificate. The notice must be printed or attached to the

first page of the outline of coverage or equivalent disclosure form, and must be delivered to the policyholder or certificate holder. If no outline of coverage is delivered, the notice must be attached to the first page of the policy or certificate delivered to insureds. The notice must be in no less than twelve point type and contain the following language: "This (policy, certificate or subscriber contract) is not a Medicare supplement (policy, certificate or subscriber contract). If you are eligible for Medicare, review the "Guide to Health Insurance for People with Medicare" available from the company."

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-120, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-120, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-120, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-120, filed 3/20/90, effective 4/20/90.]

WAC 284-66-130 Requirements for application forms and replacement of Medicare supplement insurance coverage. (1) Application forms must include the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has another Medicare supplement, Medicare Advantage, Medicaid coverage, or another health insurance or other disability policy or certificate in force or whether a Medicare supplement insurance policy or certificate is intended to replace any other policy or certificate of a health care service contractor, health maintenance organization, disability insurer, or fraternal benefit society presently in force. A supplementary application or other form to be signed by the applicant and agent containing the questions and statements, may be used: If the coverage is sold without an agent, the supplementary application must be signed by the applicant.

[Statements]

(1) You do not need more than one Medicare supplement policy.

(2) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

(3) If you are sixty-five or older, you may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

(4) If, after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended if requested during your entitlement to benefits under Medicaid for twenty-four months. You must request this suspension within ninety days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within ninety days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy

was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

(5) If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health benefit plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

(6) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a "Qualified Medicare Beneficiary" (QMB) and a "Specified Low-Income Medicare Beneficiary" (SLMB).

[Questions]

If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. **PLEASE ANSWER ALL QUESTIONS.**

[Please mark Yes or No below with an "X"]

To the best of your knowledge.

(1)(a) Did you turn age 65 in the last 6 months?

Yes ☐ No ☐

(b) Did you enroll in Medicare Part B in the last 6 months?

Yes ☐ No ☐

(c) If yes, what is the effective date?

(2) Are you covered for medical assistance through the state Medicaid program?

[NOTE TO APPLICANT; If you are participating in a "Spend - Down Program" and have not met your "Share of Cost," please answer NO to this question.]

Yes ☐ No ☐

If yes,

(a) Will Medicaid pay your premiums for this Medicare supplement policy?

Yes ☐ No ☐

(b) Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium?

Yes ☐ No ☐

(3)(a) If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.

START // END //

(b) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy?

Yes ☐ No ☐

(c) Was this your first time in this type of Medicare plan?

Yes ☐ No ☐

(d) Did you drop a Medicare supplement policy to enroll in the Medicare plan?

Yes ☐ No ☐

(4)(a) Do you have another Medicare supplement policy in force?

Yes ☐ No ☐

(b) If so, with what company and what plan do you have [optional for Direct Mailers]?

(c) If so, do you intend to replace your current Medicare supplement policy with this policy?

Yes ☐ No ☐

(5) Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union or individual plan.)

Yes ☐ No ☐

(a) If so, with what company and what kind of policy?

(b) What are your dates of coverage under the other policy?

START // END //

(If you are still covered under the other policy, leave "END" blank.)

(2) Agents must list any other medical or health insurance policies sold to the applicant.

(a) List policies sold that are still in force.

(b) List policies sold in the past five years that are no longer in force.

(3) In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, must be returned to the applicant by the insurer upon delivery of the policy.

(4) Upon determining that a sale will involve replacement of Medicare Supplement Coverage, an issuer, other than a direct response issuer, or its agent, must furnish the applicant, before issuing or delivering the Medicare supplement insurance policy or certificate, a notice regarding replacement of Medicare supplement insurance coverage. One copy of the notice, signed by the applicant and the agent (except where the coverage is sold without an agent), must be provided to the applicant and an additional signed copy must be kept by the issuer. A direct response issuer must deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement insurance coverage.

(5) The notice required by subsection (4) of this section for an issuer, must be provided in substantially the form set forth in WAC 284-66-142 in no smaller than twelve point type, and must be filed with the commissioner before being used in this state.

(6) The notice required by subsection (4) of this section for a direct response insurer must be in substantially the form set forth in WAC 284-66-142 and must be filed with the commissioner before being used in this state.

(7) A true copy of the application for a Medicare supplement insurance policy issued by a health maintenance organization or health care service contractor for delivery to a resident of this state must be attached to or otherwise physically made a part of the policy when issued and delivered.

(8) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor or health maintenance organization may substitute appropriate terminology.

(9) Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-130, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-130, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-130, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-130, filed 3/20/90, effective 4/20/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-66-135 Disclosure statements to be used with policies that are not Medicare supplement policies. Applications for the purchase of disability or other medical insurance policies or certificates, that are provided to persons eligible for Medicare, must disclose the extent to which the policy duplicates Medicare. The disclosure must be in the form provided by this section. The applicable disclosure

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statement must be provided as a part of, or together with, the application for the policy or certificate.

(1) Instructions for use of the disclosure statements for health insurance policies sold to Medicare beneficiaries that duplicate Medicare.

(a) Section 1882(d) of the federal Social Security Act [42 U.S.C. 1395ss] prohibits the sale of a disability or other health insurance policy (the term "policy" or "policies" includes certificates and contracts of all issuers) that duplicate Medicare benefits unless it will pay benefits without regard to other disability or other health coverage and it includes the prescribed disclosure statement on or together with the application.

(b) All types of disability or other health insurance policies that duplicate Medicare must include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary substantially from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).

(c) State and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement.

(d) Property/casualty and life insurance policies are not considered disability or other health insurance.

(e) Disability income policies are not considered to provide benefits that duplicate Medicare.

(f) Long-term care insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare.

(g) The federal law does not preempt state laws that are more stringent than the federal requirements.

(h) The federal law does not preempt existing state form filing requirements.

(2) Disclosure statement to be used for policies that provide benefits for expenses incurred for accidental injury only.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services

- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(3) Disclosure statement to be used with policies that provide benefits for specified limited services.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any of the services covered by the policy are also covered by Medicare

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(4) Disclosure statement to be used with policies that reimburse expenses incurred for specified disease(s) or other specified impairment(s). This includes expense incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physical services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(5) Disclosure statement to be used with policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization

- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(6) Disclosure statement to be used with indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or service covered by the policy are also covered by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- hospice
- other approved items & services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(7) Disclosure statement to be used with policies that provide benefits for both expenses incurred and fixed indemnity basis.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or service covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- hospice care
- other approved items & services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(8) Disclosure statement to be used with long-term care policies providing both nursing home and noninstitutional coverage.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This is long term care insurance that provides benefits for covered nursing home and home care services.
- In some situations Medicare pays for short periods of skilled nursing home care, limited home health services and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most long-term care expenses.

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about long term care insurance, review the *Shopper's Guide to Long Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(9) Disclosure statement to be used with policies providing nursing home benefits only.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered nursing home services.
- In some situations Medicare pays for short periods of skilled nursing home care and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most nursing home expenses.

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about long term care insurance, review the *Shopper's Guide to Long Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(10) Disclosure statement to be used with policies providing home care benefits only.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered home care services.

- In some situations, Medicare will cover some health related services in your home and hospice care which may also be covered by this insurance.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most services in your home.

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about long term care insurance, review the *Shopper's Guide to Long Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

(11) Disclosure statement to be used with other health insurance policies not specifically identified in the previous statements.

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- the benefits stated in the policy and coverage for the same event is provided by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- hospice
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in **all** health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

- √ For help in understanding your health insurance, contact your state insurance department or state health insurance assistance program [SHIP].

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-135, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-135, filed 4/11/96, effective 5/12/96.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-66-142 Form of replacement notice.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE OR MEDICARE ADVANTAGE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE
FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement or Medicare Advantage insurance and replace it with a policy to be issued by [Company name] Insurance Company. Your new policy will provide thirty days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other disability coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan. The replacement policy is being purchased for the following reason(s) (check one):

- Additional benefits.
- No change in benefits, but lower premiums.
- Fewer benefits and lower premiums.
- My plan has outpatient prescription drug coverage and I am enrolling in Part D.
- Disenrollment from a Medicare Advantage plan.
- Please explain reason for disenrollment. [optional only for Direct Mailers]

Other. (please specify)

1. NOTE: If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing preexisting condition limitations, please skip to statement 2 below. If you have had your current Medicare supplement policy less than three months, health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) to the extent such time was spent (depleted) under original policy.
3. If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

.....
(Signature of Agent, Broker, or Other Representative)*

[Typed Name and Address of Issuer, Agent or Broker]

.....
(Applicant's Signature)

.....
(Date)

*Signature not required for direct response sales.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-142, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-142, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-142, filed 2/25/92, effective 3/27/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-66-160 Adjustment notice to conform existing Medicare supplement policies to changes in Medicare. As soon as practicable, but no later than thirty days before the effective date of any Medicare benefit changes, every insurer providing Medicare supplement insurance coverage to a resident of this state must notify its insureds of modifications it has made to Medicare supplement policies. The adjustment notice is intended to be informational only and for the sole purpose of informing policy-

holders and certificate holders about changes in Medicare benefits, indexed deductible and copayment provisions, premium adjustments, and the like. The form of an adjustment notice provided to residents of this state must be filed with the commissioner before being used.

(1) The notice must include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy.

(2) The notice must inform each covered person of the approximate date when premium adjustments due to changes in Medicare benefits will be made.

(3) The notice of benefit modifications and any premium changes must be furnished in outline form and in clear and simple terms so as to facilitate comprehension.

(4) The notice must not contain or be accompanied by any solicitation.

(5) Issuers must comply with any notice requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-160, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-160, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-160, filed 3/20/90, effective 4/20/90.]

WAC 284-66-170 Prohibition against preexisting conditions, waiting periods, elimination periods, and probationary periods in replacement policies or certificates.

(1) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer must waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate to the extent the time was spent under the original policy.

(2) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate that has been in effect for at least three months, the replacing policy may not provide any time period applicable to preexisting conditions, waiting periods, elimination periods, and probationary periods.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-170, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-170, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-170, filed 3/20/90, effective 4/20/90.]

WAC 284-66-200 Standards for loss ratios. The following standards apply to policies issued or delivered before July 1, 1992, unless the policies are approved under the standards of WAC 284-66-063 and 284-66-203. Medicare supplement insurance policies must return to policyholders in the form of aggregated benefits under the policy, for the entire

period for which rates are computed to provide coverage, loss ratios not less than those in this section. The loss ratios must be on the basis of incurred claims losses and earned premiums for such period according to accepted actuarial principles. The loss ratio standards of this section are more stringent and more appropriate than those imposed by RCW 48.66.100, and are necessary for the protection of the public interest.

(1) Where coverage is provided on a service rather than reimbursement basis, the loss ratios must be on the basis of incurred health care expenses and earned premiums for the period.

(2) All filings of rates and rating schedules must demonstrate that actual and expected losses in relation to premiums comply with the requirements of this chapter and are not excessive, inadequate or unfairly discriminatory.

(3) Every insurer providing Medicare supplement policies in this state must annually file its rates, rating schedules, and supporting documentation including ratios of incurred losses to earned premiums demonstrating that it is in compliance with the applicable loss ratio standards and that the rating period for the policy is reasonable according to accepted actuarial principles and experience. If the initial rating period for the policy is more than one year, ratios of incurred losses to earned premiums must be filed by number of years of policy duration. Supporting documentation must include the amounts of unearned premium reserve, policy reserves, and claim reserves and liabilities, both nationally and for this state. This annual filing is in addition to filings made by insurers to establish initial rates or request rate adjustments required by WAC 284-66-240.

(4) Incurred losses must include claims paid and the change in claim reserves and liabilities. Incurred losses may not include policy reserves, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, profit, or claims processing costs. Where coverage is provided by a health care service contractor or health maintenance organization, health care expense costs may not include home office and overhead costs, advertising costs, commissions and other acquisition costs, taxes, capital costs, administrative costs, and claims processing costs.

(5) The following criteria will be used to determine whether policy forms are in compliance with the loss ratio standards of this section:

(a) For the most recent year, the ratio of the incurred losses to earned premiums is greater than or equal to the applicable percentages contained in this section; and

(b) The expected losses in relation to premiums over the entire rating period complies with the requirements of this section, relying on the judgment of the pricing actuary and acceptable to the commissioner; and

(c) For purposes of rate making and rate adjustments, similar policy forms must be grouped together according to the rules set forth in WAC 284-60-040. All Medicare supplement policies of an issuer issued for delivery between January 1, 1989, and July 1, 1992, are considered "similar policy forms" except those forms specifically approved under the standards of WAC 284-66-063 and 284-66-203.

(d) The commissioner may consider additional criteria including, but not limited to:

(i) Equitable treatment of policyholders; and

(ii) The amount of policy reserves as defined for the insurer's statutory annual statement.

(6) Medicare supplement insurance policies issued by authorized disability insurers and fraternal benefit societies are expected to return to a policyholder in the form of aggregated loss ratios under the policy, at least sixty-five percent of the earned premiums in the case of individual policies, and seventy-five percent in the case of group policies.

(7) The minimum anticipated loss ratio requirement for health maintenance organizations and health care service contractors is seventy percent for individual forms and eighty percent for group contract forms. The minimum anticipated loss ratios are deemed to be met if the health care expense costs of the health maintenance organization or health care service contractor are seventy percent or more of the earned premium charged individual subscribers, or eighty percent or more of the earned premium charged subscribers covered under a group contract.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-200, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-200, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-200, filed 3/20/90, effective 4/20/90.]

WAC 284-66-203 Loss ratio and rating standards and refund or credit of premium. (1) Loss ratio and rating standards. For policies issued on or after July 1, 1992, and those policies specifically approved by the commissioner under WAC 284-66-063 before July 1, 1992:

(a) A Medicare supplement policy form or certificate form must be rated on an issue-age level premium basis or community rated basis, as described in WAC 284-66-243(7).

(b) A Medicare supplement policy form or certificate form may not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form:

(i) At least seventy-five percent of the aggregate amount of premiums earned in the case of group policies; or

(ii) At least sixty-five percent of the aggregate amount of premiums earned in the case of individual policies, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization or health care service contractor on a service rather than reimbursement basis and earned premiums for the period, according to accepted actuarial principles and practices.

(c) All filing of rates and rating schedules must demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions must also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to pro-

vide coverage can be expected to meet the appropriate loss ratio standards.

(d) For purposes of applying subsection (1)(b) of this section and WAC 284-66-243 (3)(c) only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

(e) For policies issued before April 28, 1996, expected claims in relation to premiums must meet:

(i) The originally filed anticipated loss ratio when combined with the actual experience since inception;

(ii) The appropriate loss ratio requirement from WAC 284-66-203 (1)(b)(i) and (ii) when combined with actual experience beginning with April 28, 1996, to date; and

(iii) The appropriate loss ratio requirement from WAC 284-66-203 (1)(b)(i) and (ii) over the entire future period for which the rates are computed to provide coverage.

(iv) In meeting the tests in (e)(i), (ii), and (iii) of this subsection, and for purposes of attaining credibility, with the prior written approval of the commissioner, an issuer may combine experience under policy forms that provide substantially similar coverage. Once a combined form is adopted, the issuer may not separate the experience, except with the prior written approval of the commissioner.

(2) Refund or credit calculation.

(a) An issuer must collect and file with the commissioner by May 31 of each year the data contained in the reporting form contained in WAC 284-66-232 for each type in a standard Medicare supplement benefit plan.

(b) If on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3) in year three or later, then a refund or credit calculation is required. The refund calculation must be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year must be excluded. This subsection applies only to annual experience reporting. Any revision of premium rates must be filed with and approved by the commissioner according to WAC 284-66-243.

(c) For policies or certificates issued before July 1, 1992, the issuer must make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after the effective date of this section. The first report is due by May 31, 1998.

(d) A refund or credit may be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. The refund must include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event may it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due must be made by September 30 following the experience year that is the basis for the refund or credit.

(3) Annual filing of premium rates.

On or before May 31 of each calendar year, an issuer of standardized Medicare supplement policies and certificates

issued according to WAC 284-66-063, must file its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the commissioner on the form provided at subsection (6) of this section. The supporting documentation must also demonstrate, according to actuarial standards of practice using reasonable assumptions, that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration must exclude active life reserves. An expected third-year loss ratio that is greater than or equal to the applicable percentage must be demonstrated for policies or certificates in force less than three years.

(4) As soon as practicable, but before the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state must file with the commissioner, according to the applicable filing procedures of this state:

(a)(i) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents as necessary to justify the adjustment must accompany the filing.

(ii) An issuer must make any premium adjustments as are necessary to produce an expected loss ratio under the policy or certificate to comply with minimum loss ratio standards for Medicare supplement policies and that are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates.

No premium adjustment that would modify the loss ratio experience under the policy other than the adjustments described in this section may be made with respect to a policy at any time other than upon its renewal date or anniversary date.

(iii) If an issuer fails to make premium adjustments acceptable to the commissioner, the commissioner may order premium adjustments, refunds, or premium credits deemed necessary to achieve the loss ratio required by this section.

(b) Any appropriate riders, endorsements, or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements, or policy forms must provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

(5) Public hearings.

(a) The commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for policy form or certificate form if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing must be furnished in a manner deemed appropriate by the commissioner.

(b) This section does not in any way restrict a commissioner's statutory authority to approve or disapprove rates.

(6) Annual Medicare supplement insurance reporting form:

Annual Filing of Premium Rates and Experience To be filed on or before May 31 of each calendar year				
Experience from January 1 to December 31, of ____ (year) ____ reported by duration for all business from inception to December 31, 20 ____.				
Company Name _____				
Address _____				
NAIC Group Code _____	NAIC Company Code _____	CIC Code _____		
Plan _____	Type _____	Form No. _____		
Premium Rates [Attach schedule]				
Insurance is [check one] <input type="checkbox"/> Group _____ or, Individual <input type="checkbox"/> _____				
Washington Experience. [Show all experience for the reported calendar year (separately for each duration).]				
<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Claim Reserves</u>
I hereby certify that I have supervised the preparation of this experience exhibit, that all durational information has been furnished, and to the best of my knowledge, the data is accurate and is in compliance with RCW 48.66.150 and WAC 284-66-203.				
Signature of Officer _____		Date _____		
Name and Title of Officer _____		Prepared by _____		
Phone Number _____		Phone Number _____		

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-203, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.66.041 and 48.66.165. 96-09-047 (Matter No. R 96-2), § 284-66-203, filed 4/11/96, effective 5/12/96. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-203, filed 2/25/92, effective 3/27/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 284-66-210 Policy reserves required. This section applies to every group and individual policy of an issuer that relates its benefits to Medicare. The term "policy reserve" is intended to apply to all types and forms of insurance equally, whether they are called policies, contracts, or certificates. For all forms that are issued on a level premium basis, policy reserves will be required. The policy reserve is in addition to claim reserves and premium reserves. The definition of the date of incurral must be the same for both claim reserves and policy reserves. Policy reserves must be based upon the following minimum standards:

(1) Morbidity should be based upon a reasonable expectation of future claim costs for the benefits being provided. At time of policy issue this would be the morbidity assumptions used to price the contract. For later durations the morbidity should reflect the experience that emerges including the effects of inflation and utilization. All morbidity assumptions must be reasonable in the view of the commissioner.

(2) The interest rate used may not exceed the maximum rate permitted by statute in the valuation of life insurance issued on the same date as the Medicare supplement policy.

(3) Termination rates must be on the same basis as the mortality table permitted by statute in the valuation of life insurance issued on the same date as the Medicare supplement policy or on another basis satisfactory to the commissioner.

(4) The minimum reserve is that calculated on the one-year full preliminary term method. This method produces a terminal reserve of zero at the first policy anniversary. The preliminary term method may be applied only in relation to the date of issue of a policy. Reserve adjustments introduced later as a result of rate increases, revisions in assumptions, or for other reasons, are to be applied immediately as of the effective date of adoption of the adjusted basis. The adjustments must be determined as follows:

(a) Present value of future payments of claim costs for benefits, determined using revised assumptions based on anticipated experience;

(b) Less the present value of future net premiums, determined using revised assumptions based on anticipated experience;

(c) Less the liability for contract reserves at the valuation date.

(5) Negative reserves on any benefit may be offset against positive reserves for other benefits in the same policy or contract, but the total policy reserve with respect to all benefits combined may not be less than zero.

(6) The minimum policy reserve must include a reasonable margin for the risk of adverse selection.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-210, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010,

48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-210, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-210, filed 3/20/90, effective 4/20/90.]

WAC 284-66-220 Medicare supplement refund calculation form required. The form provided in WAC 284-66-232 must be filed with the commissioner annually by May 31st of each calendar year beginning May 31, 1993. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-220, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060. 92-17-078 (Order R 92-7), § 284-66-220, filed 8/19/92, effective 9/19/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-220, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-220, filed 3/20/90, effective 4/20/90.]

WAC 284-66-240 Filing requirements and premium adjustments. (1) All policy forms issued or delivered on or after January 1, 1990, and before July 1, 1992, as well as any future rate adjustments to such forms, must demonstrate compliance with the loss ratio requirements of WAC 284-66-200 and policy reserve requirements of WAC 284-66-210, unless the forms meet the standards of WAC 284-66-063 and 284-66-203. All filings of rate adjustments must be accompanied by the proposed rate schedule and an actuarial memorandum completed and signed by a qualified actuary as defined in WAC 284-05-060. In addition to the actuarial memorandum, the following supporting documentation must be submitted to demonstrate to the satisfaction of the commissioner that rates are not excessive, inadequate, or unfairly discriminatory and otherwise comply with the requirements of this chapter. If any of the items listed below are inappropriate due to the pricing methodology used by the pricing actuary, the commissioner may waive the requirements upon request of the issuer.

(a) Filings of issue age level premium rates must be accompanied by the following:

(i) Anticipated loss ratios stated on a policy year basis for the period for which the policy is rated. Filings of future rate adjustments must contain the actual policy year loss ratios experienced since inception;

(ii) Anticipated total termination rates on a policy year basis for the period for which the policy is rated. The termination rates should be stated as a percentage and the source of the mortality assumption must be specified. Filings of future rate adjustments must include the actual total termination rates stated on a policy year basis since inception;

(iii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(iv) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(v) Specimen copy of the compensation agreements or contracts between the issuer and its agents, brokers, general agents, or others whose compensation is based in whole or in

part on the sale of Medicare supplement insurance policies, the agreements demonstrating compliance with WAC 284-66-350 (where appropriate);

(vi) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

(b) Filings of community rated forms must be accompanied by the following:

(i) Anticipated loss ratio for the accounting period for which the policy is rated. The duration of the accounting period must be stated in the filing, established based on the judgment of the pricing actuary, and must be reasonable in the opinion of the commissioner. Filings for rate adjustment must demonstrate that the actual loss ratios experienced during the three most recent accounting periods, on an aggregated basis, have been equal to or greater than the loss ratios required by WAC 284-66-200.

(ii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(iii) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(iv) Specimen copy of the compensation agreements or contracts between the insurer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, the agreements demonstrating compliance with WAC 284-66-350 (where appropriate);

(v) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

(2) Every issuer must make premium adjustments that are necessary to produce an expected loss ratio under the policy that will conform with the minimum loss ratio standards of WAC 284-66-200.

(3) No premium adjustment that would modify the loss ratio experience under the policy, other than the adjustments described in this section, may be made with respect to a policy at any time other than upon its renewal or anniversary date.

(4) Premium refunds or premium credits must be made to the premium payer no later than upon renewal if a credit is given, or within sixty days of the renewal or anniversary date if a refund is provided.

(5) For purposes of rate making and requests for rate increases, all individual Medicare supplement policy forms of an issuer are considered "similar policy forms" including forms no longer being marketed.

[Statutory Authority: RCW 48.02.060 and 48.66.165, 05-17-019 (Matter No. R 2004-08), § 284-66-240, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-240, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-240, filed 3/20/90, effective 4/20/90.]

WAC 284-66-243 Filing and approval of policies and certificates and premium rates. (1) An issuer may not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the commissioner according

to the filing requirements and procedures prescribed by the commissioner.

(2) An issuer must file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the commissioner in the state that the policy or certificate was issued.

(3) An issuer may not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule, and supporting documentation have been filed with and approved by the commissioner according to the filing requirements and procedures prescribed by the commissioner.

(4)(a) Except as provided in (b) of this subsection, an issuer may not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

(b) An issuer may offer, with the approval of the commissioner, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

(i) The inclusion of new or innovative benefits;

(ii) The addition of either direct response or agent marketing methods;

(iii) The addition of either guaranteed issue or underwritten coverage;

(iv) The offering of coverage to individuals eligible for Medicare by reason of disability. The form number for products offered to enrollees who are eligible by reason of disability must be distinct from the form number used for a corresponding standardized plan offered to an enrollee eligible for Medicare by reason of age.

(c) For the purposes of this section, a "type" means an individual policy, a group policy, an individual Medicare SELECT policy, or a group Medicare SELECT policy.

(5)(a) Except as provided in (a)(i) of this subsection, an issuer must continue to make available for purchase any policy form or certificate form issued after the effective date of this regulation that has been approved by the commissioner. A policy form or certificate form is not considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve months.

(i) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commissioner in writing its decision at least thirty days before discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the commissioner, the issuer may no longer offer for sale the policy form or certificate form in this state.

(ii) An issuer that discontinues the availability of a policy form or certificate form under (a)(i) of this subsection, may not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate.

(b) The sale or other transfer of Medicare supplement business to another issuer is considered a discontinuance for the purposes of this subsection.

(c) A change in the rating structure or methodology is considered a discontinuance under (a) of this subsection, unless the issuer complies with the following requirements:

(i) The issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in that the revised rating methodology and resultant rates differ from the existing rating methodology and resultant rates.

(ii) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential that is in the public interest.

(6)(a) Except as provided in (b) of this subsection, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan must be combined for purposes of the refund or credit calculation prescribed in WAC 284-66-203.

(b) Forms assumed under an assumption reinsurance agreement may not be combined with the experience of other forms for purposes of the refund or credit calculation.

(7) An issuer may set rates only on a community rated basis or on an issue-age level premium basis for policies issued prior to January 1, 1996, and may set rates only on a community rated basis for policies issued after December 31, 1995.

(a) For policies issued prior to January 1, 1996, community rated premiums must be equal for all individual policyholders or certificateholders under a standardized Medicare supplement benefit form. Such premiums may not vary by age or sex. For policies issued after December 31, 1995, community rated premiums must be set according to RCW 48.66.045(3).

(b) Issue-age level premiums must be calculated for the lifetime of the insured. This will result in a level premium if the effects of inflation are ignored.

(8) All filings of policy or certificate forms must be accompanied by the proposed application form, outline of coverage form, proposed rate schedule, and an actuarial memorandum completed, signed and dated by a qualified actuary as defined in WAC 284-05-060. In addition to the actuarial memorandum, the following supporting documentation must be submitted to demonstrate to the satisfaction of the commissioner that rates are not excessive, inadequate, or unfairly discriminatory and otherwise comply with the requirements of this chapter:

(a) Anticipated loss ratios stated on a calendar year basis by duration for the period for which the policy is rated. Filings of future rate adjustments must contain the actual calendar year loss ratios experienced since inception, both before and after the refund required, if any and the actual loss ratios in comparison to the expected loss ratios stated in the initial rate filing on a calendar year basis by duration if applicable;

(b) Anticipated total termination rates on a calendar year basis by duration for the period for which the policy is rated. The termination rates should be stated as a percentage and the source of the mortality assumption must be specified. Filings

of future rate adjustments must include the actual total termination rates stated on a calendar year basis since inception;

(c) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(d) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(e) A complete specimen copy of the compensation agreements or contracts between the issuer and its agents, brokers, general agents, as well as the contracts between general agents and agents or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies. The agreements must demonstrate compliance with WAC 284-66-350 (where appropriate);

(f) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-243, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-243, filed 2/25/92, effective 3/27/92.]

WAC 284-66-247 Interim rate and form filing requirements for standardized plans H, I and J and pre-standardized plans that include outpatient prescription drug benefits. The requirements of this section are in addition to all Medicare Supplement rate and form filing requirements set forth in this chapter.

(1) Form filings.

(a) To comply with the requirements of WAC 284-66-243(2), issuers are encouraged to use a generic rider or amendment that is bracketed for the purpose of identifying the modified policy forms. Riders or amendments may be used only for policies or certificates issued prior to January 1, 2006, and must be accompanied by a complete listing of the form numbers for all affected policies or certificates.

(b) After December 31, 2005, plans H, I, and J may not be issued to new enrollees using a rider or amendment to delete the outpatient prescription drug benefit. After that date, issuers must:

(i) Offer only new plans that are otherwise identical to their currently approved plans H, I, and J, with the outpatient prescription drug benefit removed. The new plans must incorporate all endorsements that have been previously approved by the commissioner.

(ii) Identify the new plan using the same form number as the currently approved corresponding plan, adding a unique identifier to the form number that distinguishes it from the plan with outpatient drug benefits.

(iii) Certify that the new plan, including any previously approved endorsements, is identical to the currently approved plan in all respects except for the deletion of the prescription drug benefit. The certification must be signed by an officer of the company.

(2) Rate filings.

(a) An issuer must submit revised rates for all policies or certificates that are modified using a rider or amendment to remove outpatient prescription drug coverage. The rates must be accompanied by an actuarial memorandum signed by a qualified actuary as defined in WAC 284-05-060 and include no less than the following information:

(i) The form number of the rider or amendment being used to modify the policy or certificate along with form number of the applicable policy or certificate.

(ii) If the modification applies to a prestandardized plan, a detailed description of the deleted prescription benefits.

(iii) A description and calculation of how the rate modification was determined including the general description and source of each assumption used.

(iv) A separate rate page listing the current rate charged for the underlying plan, the rate adjustment for the deleted outpatient drug benefit, and the final rate.

(b) An issuer must submit rates for standardized plans H, I, and J that will be issued after December 31, 2005. The rates must be consistent with the rates filed for the corresponding plans H, I and J that have been modified by rider or amendment to remove the outpatient prescription drug benefit and include all the current requirements for Medicare supplement rate filings noted in this chapter.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-247, filed 8/4/05, effective 9/4/05.]

WAC 284-66-250 Filing requirements for out-of-state group policies. Every issuer providing group Medicare supplement insurance benefits to a resident of this state must file with the commissioner, within thirty days of its use in this state, a copy of the master policy and any certificate used in this state, according to the filing requirements and procedures that apply to Medicare supplement policies issued in this state.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-250, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.66.200. 92-06-021 (Order R 92-1), § 284-66-250, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-250, filed 3/20/90, effective 4/20/90.]

WAC 284-66-260 Riders and endorsements. (1) Effective January 1, 1990, subject to RCW 48.66.050(2), and except for riders or endorsements issued according to subsection (2) of this section, no rider, endorsement, waiver, or any other means of modifying contractual benefits may be used by an issuer to exclude, limit, or reduce the coverage or benefits of a Medicare supplement insurance policy or certificate issued to a resident of this state. Only riders or endorsements that increase benefits or coverage may be used in this state.

(2) Effective January 1, 1990, except for riders or endorsements issued to bring a policy into compliance with changes to the minimum benefit standards or other contractual benefits required by this chapter or as amended:

(a) An amendment to a Medicare supplement insurance policy or certificate that increases the premium must be requested or accepted by the policyholder in writing; and

(b) Where separate additional premium is charged for a rider, endorsement or other amendment to the contractual benefits of a Medicare supplement insurance policy or certificate, the premium charged must be set forth in the policy.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-260, filed 8/4/05, effective 9/4/05. Statutory

Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.66.200. 92-06-021 (Order R 92-1), § 284-66-260, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-260, filed 3/20/90, effective 4/20/90.]

WAC 284-66-270 Standards for claims payment: Compliance with Omnibus Budget Reconciliation Act of 1987. (1) An issuer must comply with Section 1882 (c)(3) of the Social Security Act (as enacted by Section 4081 (b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA'87), P.L. 100-203) by:

(a) Accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice;

(b) Notifying the participating physician or supplier and the beneficiary of the payment determination;

(c) Paying the participating physician or supplier directly;

(d) Furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier may be sent;

(e) Paying user fees for claim notices that are transmitted electronically or otherwise; and

(f) Providing to the Secretary of Health and Human Services, at least annually, a central mailing address that all claims may be sent by Medicare carriers.

(2) Compliance with the requirements set forth in subsection (1) of this section must be certified on the Medicare supplement insurance experience reporting form.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-270, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.66.200. 92-06-021 (Order R 92-1), § 284-66-270, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-270, filed 3/20/90, effective 4/20/90.]

WAC 284-66-300 Requirements for advertising. (1) At least thirty days before use in this state, every issuer who provides Medicare supplement insurance coverage to a resident of this state must provide the commissioner with a copy of any Medicare supplement advertisement (as advertisement is defined in WAC 284-50-030) intended for use in this state whether through written, radio, or television medium. In the case of radio or television advertising, an audio cassette or VHS cassette must be supplied on request of the commissioner.

(2) Advertising must comply with the standards of the Washington disability advertising regulation (WAC 284-50-010 through 284-50-230), and must identify the name in full of the issuer and the location of its home office or principal office in the United States (if an alien issuer).

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-300, filed 8/4/05, effective 9/4/05. Statutory

Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-300, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-300, filed 3/20/90, effective 4/20/90.]

WAC 284-66-310 Attained age rating prohibited.

The commissioner has found and defines it to be an unfair act or practice and an unfair method of competition, and a prohibited practice, for any issuer, directly or indirectly, to use the increasing age of an insured, subscriber, or participant as the basis for increasing premiums or prepayment charges with respect to Medicare supplement insurance. Accordingly, the rating practice commonly referred to as "attained age rating" is prohibited.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-310, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-310, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-310, filed 3/20/90, effective 4/20/90.]

WAC 284-66-320 Reporting of multiple policies. (1)

On or before March 1st of each year, an issuer must report to the commissioner the following information for every individual resident of this state for which the issuer has in force more than one Medicare supplement policy or certificate on a form approved by the commissioner, substantially in the form provided in WAC 284-66-323:

- (a) Policy and certificate number; and
- (b) Date of issuance.

(2) The items set forth above must be grouped by individual policyholder.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-320, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-320, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-320, filed 3/20/90, effective 4/20/90.]

WAC 284-66-330 Standards for marketing. (1) Every issuer marketing Medicare supplement insurance coverage in this state, directly or through its producers, must:

(a) Establish marketing procedures to assure that any comparison of policies or certificates by its agents or other producers will be fair and accurate.

(b) Establish marketing procedures to assure excessive insurance is not sold or issued.

(c) Display prominently by type, stamp or other appropriate means, on the first page of the policy or certificate the following:

"NOTICE TO BUYER: THIS (POLICY, CONTRACT OR CERTIFICATE) MAY NOT COVER ALL OF YOUR MEDICAL EXPENSES."

(d) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has disability insurance and the types and amounts of any such insurance.

(e) Establish auditable procedures for verifying compliance with this section.

(2) In addition to the acts and practices prohibited in chapter 48.30 RCW, chapters 284-30 and 284-50 WAC, and this chapter, the commissioner has found and hereby defines the following to be unfair acts or practices and unfair methods of competition, and prohibited practices for any issuer, or their respective agents either directly or indirectly:

(a) Twisting. Making misrepresentations or misleading comparisons of any insurance policies or issuers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, keep, or convert any insurance policy.

(b) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat whether explicit or implied, or otherwise applying undue pressure to coerce the purchase of, or recommend the purchase of, insurance.

(c) Cold lead advertising. Making use directly or indirectly of any method of marketing that fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-330, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-330, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-330, filed 3/20/90, effective 4/20/90.]

WAC 284-66-340 Appropriateness of recommended purchase and excessive insurance. (1) In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent must make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

(2) Any sale of a Medicare supplement policy or certificate that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

(3) An issuer may not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C unless the effective date of the coverage is after the termination date of the individual's Part C coverage.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-340, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-340, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-340, filed 3/20/90, effective 4/20/90.]

WAC 284-66-350 Permitted compensation arrangements. (1)(a) The commissioner has found and hereby

defines it to be an unfair act or practice and an unfair method of competition, and a prohibited practice, for any issuer, directly or indirectly, to provide commission to an agent or other representative for the solicitation, sale, servicing, or renewal of a Medicare supplement policy or certificate that is delivered or issued for delivery to a resident within this state unless the commission is identical as to percentage of premium for every policy year as long as the coverage under the policy or certificate remains in force with premiums being paid, or waived by the issuer, for the coverage.

(b) Each commission payment must be made by the issuer no later than sixty days following the date on which the applicable premiums, that are the basis of the commission calculation, were paid. Each payment must be paid to either the producing agent who originally sold the policy or to a successor agent designated by the issuer to replace the producing agent, or shared between them on some basis. The distribution of the commission payments must be designated by the issuer in its various agents' commission agreements and it may not terminate, reduce or keep the commission payment as long as the policy or certificate remains in force with premiums being paid, or waived by the issuer, for the coverage thereunder.

(c) Where an issuer provides a portion of the total commission for the solicitation, sale, servicing, or renewal of a Medicare supplement policy or certificate to a general agent, sales manager, district representative or other supervisor who has marketing responsibilities (other than a producing or successor agent), while such portion of total commissions continues to be paid it must be identical as to percentage of premium for every policy year as long as coverage under the policy or certificate remains in force with premiums being paid, or waived by the issuer, for the coverage.

(2) For purposes of this section, "commission" includes pecuniary or nonpecuniary remuneration of any kind relating to the solicitation, sale, servicing, or renewal of the policy or certificate, including but not limited to bonuses, gifts, prizes, advances on commissions, awards and finders fees.

(3) This section does not apply to salaried employees of an issuer who have marketing responsibilities if the salaried employee is not compensated, directly or indirectly, on any basis dependent upon the sale of insurance being made, including but not limited to considerations of the number of applications submitted, the amount or types of insurance, or premium volume.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-350, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-350, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-350, filed 3/20/90, effective 4/20/90.]

WAC 284-66-400 Chapter not exclusive. Nothing contained in this chapter may be construed to limit the authority of the commissioner to regulate Medicare supplement insurance policies or certificates under other sections of Title 48 RCW.

[Statutory Authority: RCW 48.02.060 and 48.66.165. 05-17-019 (Matter No. R 2004-08), § 284-66-400, filed 8/4/05, effective 9/4/05. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200. 92-06-021 (Order R 92-1), § 284-66-400, filed 2/25/92, effective 3/27/92. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160. 90-07-059 (Order R 90-4), § 284-66-400, filed 3/20/90, effective 4/20/90.]

Title 292 WAC

ETHICS IN PUBLIC SERVICE

Chapters

292-09

292-100

292-130

Agency procedural rules.

Procedural rules.

Agency organization—Public records.

Chapter 292-09 WAC

AGENCY PROCEDURAL RULES

WAC

292-09-140

Documents—Filing.

WAC 292-09-140 Documents—Filing. Any document filed with the commission under the provisions of the Administrative Procedure Act, chapter 34.05 RCW; model rules of procedure, chapter 10-08 WAC; and this chapter shall be filed with the Commission on Judicial Conduct, 210 11th Avenue SW, #400, Olympia, WA 98504 or P.O. Box 1817, Olympia, WA 98507.

Unless otherwise required by law, filing of a document with the commission shall be made personally, by first class mail, by certified or registered mail, by commercial parcel delivery company, or by facsimile and same-day mailing or original showing same-day postmark. Filing shall occur within the period of time specified for filing by statute, rule, or order.

[Statutory Authority: Art. IV, Section 31, Washington State Constitution, RCW 42.52.370, and chapter 2.64 RCW. 05-23-069 (Order 05-02), § 292-09-140, filed 11/15/05, effective 12/16/05. Statutory Authority: RCW 42.52.370 and Article IV, section 31 of the state Constitution. 95-05-031 (Order 95-01), § 292-09-140, filed 2/8/95, effective 3/11/95.]

Chapter 292-100 WAC

PROCEDURAL RULES

WAC

292-100-007

Definitions.

WAC 292-100-007 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board staff" shall include the executive director, the investigator, attorneys who bring cases before the board, and the training and information specialist.

(2) "Complainant" means a person who has filed a complaint with the board.

(3) "Employing agency" means the former or current state agency of the respondent during the time the alleged violation occurred.

(4) "Lobbying," for the purposes of RCW 42.52.380, does not include written communication by the board to members of the state legislature or to any other government official on matters pertaining directly to the Ethics in Public Service Act.

(5) "Party" includes the board staff and the respondent. The respondent may be represented in any matter filed under chapter 42.52 RCW by an attorney or an exclusive bargaining representative. If the respondent is represented by a person who is not an attorney, the representation shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(6) "Preliminary investigation" refers to the confidential fact-finding investigation that occurs before the board's determination of reasonable cause.

(7) "Presiding officer" refers to the board chair, vice chair, a board member designated as presiding officer by the chair or vice chair, or an administrative law judge.

(8) "Respondent" means a current or former state officer or state employee alleged to have violated chapter 42.52 RCW by a complainant.

[Statutory Authority: RCW 42.52.360 (2)(b). 05-19-142, § 292-100-007, filed 9/21/05, effective 10/22/05. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. 01-13-033, § 292-100-007, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). 99-06-073, § 292-100-007, filed 3/2/99, effective 4/2/99.]

(2)(b) and 42.52.425. 01-13-033, § 292-130-030, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). 98-22-072, § 292-130-030, filed 11/3/98, effective 12/4/98.]

Chapter 292-130 WAC

AGENCY ORGANIZATION—PUBLIC RECORDS

WAC

292-130-030 Operations and procedures.

WAC 292-130-030 Operations and procedures. The board holds regular scheduled meetings on the second Friday of each month at 9:00 a.m. unless a different time is noted on the agenda, except August and December when no meetings are held. The meetings are held at 2425 Bristol Court, Conference Room 148, unless circumstances require relocating to another site as designated by the executive director of the board.

All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). Three members of the board constitute a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

The board issues advisory opinions; develops education and training materials; investigates, hears, and determines complaints; reviews and approves agency ethics policies; and, reviews, approves, or denies contracts between state officers and employees and state agencies.

Written communications intended for board consideration or action shall be filed with the administrative office.

[Statutory Authority: RCW 42.52.360 (2)(b). 05-19-142, § 292-130-030, filed 9/21/05, effective 10/22/05. Statutory Authority: RCW 42.52.360